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IV2275226

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INVESTIGATIVE SUMMARY

CASE NUMBER: IV2275226

SUBJECT(S): Mario Pinedo, Deputy, #[redacted]

STATION/UNIT/BUREAU: Men's Central Jail – Custody Division

DATE/TIME/DAY: January 3, 2007 to September 22, 2010

LOCATION: 2789 Long Beach Blvd., Long Beach, CA 90806 (dba "Long Beach Uniform – Galls")

SYNOPSIS:
This case pertains to a Los Angeles Sheriff's Department (LASD) courtesy report for Long Beach Police Department (LBPD) regarding Subject Pinedo, who was listed as a suspect of Burglary (Business), 459 P.C., on September 22, 2010. The victim is Long Beach Uniform store – Galls.

The LASD courtesy report is listed under file #910-01090-5199-065, which is incorporated in the LBPD criminal report listed under DR#10-67943.

The LASD report was authored by LASD Sergeant Eric Gonzalez on September 30, 2010, who witnessed the burglary (shoplift) incident on September 22, 2010. After conducting a preliminary criminal investigation at Long Beach Uniform store on September 22, 2010, Sergeant Gonzalez immediately notified his supervisor(s) at Men's Central Jail, which were Operations Lieutenant Duane Harris and Captain Dan Cruz. He was then directed to take a courtesy report for LBPD.

On 06/22/2011, the Long Beach Police Department submitted the criminal case to the District Attorney's Office, Justice System Integrity Division (JSID) for filing consideration.

> **IAB Notes:** For further details, refer to **Exhibit F**, for a copy of the criminal investigation, in addition to the items recovered as evidence during the investigation listed under LBPD DR#10-67943.

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On 08/23/2011, a felony complaint (arrest warrant) was issued for Subject Pinedo for Grand Theft of Personal Property, 487(a) P.C. (1 count), Receiving Stolen Property, 496(a) P.C. (1 count), and Commercial Burglary, 459 P.C. (5 counts), listed under Los Angeles Superior Court case #BA387787.

IAB Note: Refer to **Exhibit D & E**, for a copy of the felony complaint.

On January 20, 2012, a preliminary hearing was set for Subject Pinedo. Witness [redacted] and LBPD Sergeant [redacted] testified on behalf of the prosecution. Subject Pinedo was held to answer regarding the listed charges at Los Angeles Superior Court, Los Angeles, Department 31, in People v. Mario Pinedo with the Honorable Judge James Bianco presiding.

On June 4, 2012, Subject Pinedo entered into a plea agreement regarding People v. Pinedo, case #BA387787. The following were the terms of the plea agreement:

1. Enter a no contest plea to a violation of P.C. 485, misdemeanor, "Petty Theft of Lost Property,"
2. Complete 200 hours of community service within 12 months of entry of plea, that is, on or before June 4, 2013,
3. Defendant stipulates he owes the restitution amount of $10,600 payable to Galls LLC. The defendant to pay restitution to "Galls LLC" in the form of "cashier's check" in the amount of $10,600 on the date of entry of plea, or one half of the restitution on the date of entry of plea in the amount of $5,300 and an additional restitution payment of $5,300 within six (6) months of entry of defendant's plea;
4. Upon payment in full of restitution owed to Galls LLC and the completion of all community service, the defendant may withdraw his plea and the case will be dismissed by the Court. This can occur at any time prior to June 4, 2013.
5. Defendant's failure to pay in full the restitution amount of $10,600 and/or to complete the 200 hours of community service shall result in the Court imposing the sentence for a violation of P.S. 485, a misdemeanor, and a judgment in favor of Galls LLC for the balance of the restitution remaining owed to Galls LLC.

IAB Note: For a copy of the plea agreement, refer to **Exhibit B.**

Subject Pinedo pled NOLO CONTENDERE to count eight (8), a violation of Penal Code Section 485, Theft of Lost Property.

The court found the defendant guilty. The disposition: Convicted.

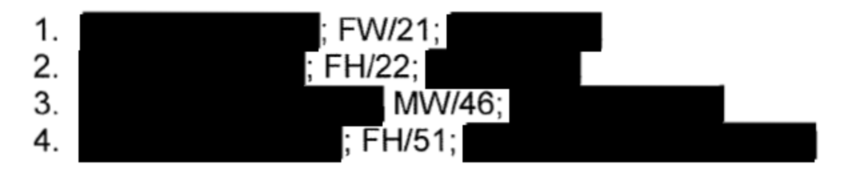
The court found there was factual basis for Subject Pinedo's plea and accepted the plea forthwith. The case was continued to July 11, 2012, for disposition of the remaining counts.

On July 11, 2012, Subject Pinedo fulfilled the terms of his plea agreement, at which time, the court dismissed all seven (7) felony counts, including count eight (8); the misdemeanor NOLO CONTENDERE plea, in the furtherance of justice per 1385 P.C.

> **IAB Note:** Refer to **Exhibit A** for a copy of the certified court minute order dated, 6/4/2012, and 7/11/2012.

Criminal investigation by LASD:

On September 22, 2010, Sergeant Gonzalez identified the following employees of Long Beach Uniform store as witness(s):



1. [redacted]; FW/21; [redacted]
2. [redacted]; FH/22; [redacted]
3. [redacted] MW/46; [redacted]
4. [redacted]; FH/51; [redacted]

Sergeant Gonzalez indicated in his report on September 22, 2010, at approximately 1330 hours, while being fitted for uniforms at Long Beach Uniform store, he was approached by Subject Pinedo, who identified himself as a deputy sheriff assigned to Men's Central Jail. Subject Pinedo told Sergeant Gonzalez he was purchasing uniforms since he was getting ready for patrol.

[redacted] told Sergeant Gonzalez that Subject Pinedo was in the process of stealing a holster. She added Subject Pinedo had stolen other police equipment from the store on prior occasions.

[redacted] pointed out to Sergeant Gonzalez that Subject Pinedo was about to walk out of the store without paying for the holster.

[redacted] advised Sergeant Gonzalez when Subject Pinedo walked into the store earlier; he was not holding anything in his hands.

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Sergeant Gonzalez saw Subject Pinedo holding a black plastic holster in his left hand, which he (Pinedo) concealed by draping a Sheriff's uniform shirt over his left hand. He then saw Subject Pinedo walk toward the front entrance/exit door.

As Subject Pinedo approached the front door, Sergeant Gonzalez heard [redacted] loudly ask Subject Pinedo if he was going to pay for the holster. Subject Pinedo was contacted by Store Manager [redacted] who engaged him in conversation. After the conversation, Sergeant Gonzalez saw Subject Pinedo exit the store with the holster, at which time, he contacted [redacted]

[redacted] stated to Sergeant Gonzalez, "It's no big deal, it's only one-hundred sixty four dollars, not worth losing the contract with the Sheriff's Department." When Sergeant Gonzalez explained the seriousness of the incident and reassured him it would not affect the contract, [redacted] said Subject Pinedo should be arrested and/or fired.

[redacted] was adamant that the holster Subject Pinedo took belonged to the store. While [redacted] spoke to Subject Pinedo, he said he inspected the holster and it matched the model numbers of the empty holster case on the shelf. He added the holster Subject Pinedo had appeared new and still had the plastic tie wrap over the thumb break. In addition, [redacted] identified the holster as a specific model the store carried as inventory for the Sheriff's Department, Beretta 92F, with a Surefire X300 gun light.

Sergeant Gonzalez interviewed [redacted] who stated she saw Subject Pinedo in the equipment area of the store next to the shelves where the holsters were located. [redacted] said she saw Subject Pinedo take the holster from the shelf and remove it from its plastic case, then place the empty case behind another holster on the shelf. She witnessed the entire incident from beginning to end, while she monitored Subject Pinedo in the store. [redacted] told Sergeant Gonzalez she recovered the empty holster case.

> **IAB Note**: Sergeant Gonzalez retrieved the empty holster plastic bag case and booked it into evidence at East Los Angeles Sheriff's Station on September 22, 2010, under file #910-01090-5199-065, pending further criminal investigation. A print deputy request under [redacted] was initiated; however, subsequent analysis revealed no prints on the plastic bag.

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On September 30, 2012, at approximately 1230 hours, Sergeant Gonzalez conducted a follow-up investigation and interviewed Witness [redacted] who stated Subject Pinedo had stolen items on prior occasions. [redacted] said on the last week of May, 2010, she greeted Subject Pinedo, who entered the store dressed in a Los Angeles County Deputy Sheriff's uniform. Subject Pinedo asked [redacted] to see the store display for a "Surefire" X300 model gun light that was inside the counter. [redacted] said when she handed Subject Pinedo the item, he told her he was going to show it to a friend and walked out the front door. She said Subject Pinedo did not return with the item. [redacted] said she did not notify the store manager because it was her first week of employment; therefore, she feared being terminated.

[redacted] also recalled an incident on July 14, 2010, when she saw Subject Pinedo try on body armor. She saw Subject Pinedo remove a navy blue vest from a box and then place the empty vest box underneath other vest boxes on the shelf. [redacted] said Subject Pinedo then concealed the body armor vest between uniform shirts and exit the store without paying for it. She said Subject Pinedo walked by two open registers as he exited the store.

[redacted] additionally recalled an incident in June, 2010, when Subject Pinedo entered the store with his daughter, who was in a baby stroller. She said Subject Pinedo placed a "Gate Keeper" microphone lanyard package on top of the stroller awning and closed it. She stated the awning concealed the item. [redacted] said Subject Pinedo eventually exited the store without paying for the item. She said Subject Pinedo walked by two open registers as he exited the store.

Sergeant Gonzalez interviewed Assistant Manager [redacted] who said she never witnessed Subject Pinedo take any items; however, she found the open packages described by [redacted] provided Sergeant Gonzalez with an empty box (American Body Armor) with confirmation [redacted] that belonged to the vest. She added Subject Pinedo was monitored by store employees and the store manager during his visits to the store.

Sergeant Gonzalez interviewed Store Manager [redacted] who said the store did not have surveillance cameras. [redacted] stated the panels inside the body armor are serialized and can be tracked by the manufacturer, "American Body Armor."

[redacted] was desirous of prosecution.

Sergeant Gonzalez listed the following Evidence/Property codes in his report:

EV:1: Clear plastic bag case with black and red writing "Safariland" for 92F Beretta Model #634-734-21-81; [redacted]

S:1:1: Holster black plastic basket weave; "Safariland" for 92F Beretta Model #634-734-21-81 (for Surefire gun light)

S:2:1: Gunlight "Surefire" Model X300; black metal

S:3:1: Body Armor vest "Safariland" Navy Blue carrier Model #THP Level IIA American Armor confirmation [redacted]

S:4:1: Black microphone "Gear keeper," black plastic lanyard mic

The criminal investigative report was then forwarded to LBPD for further investigation.

> **IAB Note:** For further details, refer to **Exhibit H** for a copy of the LASD courtesy report.

Criminal investigation by LBPD:

LBPD Detective Sergeant [redacted], #[redacted], was the initial investigator assigned to the case. He reviewed all the documentation associated with the LASD courtesy report incident. Upon his promotion, Detective [redacted], #[redacted], took over the investigation on March 31, 2011.

On October 6, 2010, LBPD Detective Sergeant [redacted] interviewed the following witness(s) at the Long Beach Uniform store:

1. [redacted]
2. [redacted]
3. [redacted]

[redacted] stated to LBPD Sergeant [redacted] he was familiar with the incident that occurred on September 22, 2010, when Subject Pinedo took a holster from the store. [redacted] said he was the [redacted] and has worked at the location for approximately four years. He added he was very familiar with Subject Pinedo and knew him on a first name basis.

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Sergeant [redacted] prepared a photographic line-up of Suspect Pinedo and had [redacted] read and sign a Photographic Line-up Admonishment form (PD form 3100.006). After viewing the line-up, [redacted] identified Subject Pinedo.

On the day of the incident, [redacted] stated he helped Subject Pinedo in the store at the holster display area. He recalled Subject Pinedo picked up a uniform shirt earlier and used it to conceal the holster. Since he knew Subject Pinedo was suspected of stealing items from the store in the past, [redacted] asked him about the holster.

Subject Pinedo told [redacted] he previously purchased the holster and brought it into the store. [redacted] noticed the holster was brand new and did not have any wear marks on it, in addition to having a small plastic tie strap around the thumb break. He said he compared the model numbers on the holster with the numbers on the empty holster case that was left on the shelf, which matched. [redacted] said the plastic tie strap is used to attach a paper advertisement to all brand new holsters. He then placed the empty holster bag and holster on the counter and asked Subject Pinedo if he removed the item from the bag.

[redacted] said Subject Pinedo restated that he brought the holster into the store and then left the location without paying for it.

[redacted] said he did not want to make a big deal about the incident at the time since he did not want to place a strain on the working relationship the store had with the Los Angeles Sheriff's Department. He then handed the empty plastic holster bag to LASD Sergeant Gonzalez, who placed it into evidence under LASD File #910-01090-5199-065.

[redacted] pointed out where the gun lights were kept at the front of the store inside the counter. Subject Pinedo was suspected of stealing a gun light on a previous occasion.

[redacted] stated LASD personnel purchase police equipment at the Long Beach Uniform store on a cash only basis. The only personnel who come in with order forms are academy recruits and specialized units.

<u>**IAB Note:**</u> For further details, refer to **Exhibit F** for a copy of the criminal investigation by LBPD.

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[redacted] was asked by Sergeant [redacted] if she would identify Subject Pinedo via a photographic line-up. She read and signed a Photographic Line-up Admonishment form [redacted]. After viewing the line-up, [redacted] identified Subject Pinedo.

[redacted] stated she was aware of all the other theft incidents that concerned Subject Pinedo; however, she only witnessed the theft on September 22, 2010.

On September 22, 2010, [redacted] said she greeted Subject Pinedo when he walked into the store. She saw Subject Pinedo walk toward the back of the store to pick up a previously purchased uniform shirt. At this point, she did not see Subject Pinedo holding anything in his hands.

[redacted] stated given the size of the holster, she would have noticed if Subject Pinedo brought the item into the store.

[redacted] stated she never witnessed Subject Pinedo take anything; however, she was always notified of each incident. On September 22, 2010, as the [redacted], she was advised by store clerk [redacted] of the holster incident. [redacted] went to the holster display and recovered the empty holster packaging and handed it to [redacted] while he spoke to Subject Pinedo.

[redacted] said the confirmation number she provided LASD Sergeant Gonzalez on September 22, 2010, was connected to a stolen body armor vest. She explained the confirmation number was obtained from an empty body armor box that Subject Pinedo had left behind. [redacted] opened the top drawer of her desk and removed a white label with a hand written note of "stolen 7/14" and a computer printout of "A10-05753 LRC-LRRC Navy." She said she removed the sticker from the empty box prior to throwing it away. [redacted] stated she personally wrote, "stolen 7/14," for inventory purposes to indicate it was missing on July 14, 2010.

[redacted] stated the computer printout of "A10-05753," corresponded to the shipment order the body armor vest was received from the vendor. A research of [redacted] store business records revealed the confirmation number corresponded to a specific purchase order number (PO #307921). The PO number indicated two ballistic vests were shipped from American Body Armor to Galls-Long Beach Uniform on 4/19/2010.

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On October 7, 2010, LBPD Detective Sergeant [redacted] interviewed the following witness(s) at Long Beach Uniform store:

1. [redacted]

[redacted] was asked by Sergeant [redacted] if she would identify Subject Pinedo via a photographic line-up. She read and signed a Photographic Line-up Admonishment form [redacted]. After viewing the line-up, [redacted] identified Subject Pinedo.

[redacted] said Subject Pinedo was the same individual who stole items from the store on several different occasions.

[redacted] stated on September 22, 2010, she saw Subject Pinedo enter the front door of the store and walk past the front cash register with nothing in his hands. When Subject Pinedo walked toward the uniform area, [redacted] ost sight of him. [redacted] then notified the store managers that Subject Pinedo was inside the store. From her position at the cash register, [redacted] said she saw Subject Pinedo select a packaged holster from the holster display area. [redacted] saw Subject Pinedo unzip the packaging and remove a black holster. She then saw Subject Pinedo re-zip the packaging as he removed another packaged holster off of one of the display hooks. [redacted] then saw Subject Pinedo place the empty holster package on the display hook followed by the second packaged holster so as to hide the empty package.

[redacted] immediately notified Witness [redacted] and her store managers of her observations. As Subject Pinedo was about to exit the store, [redacted] called out to him, "Are you going to pay for that holster?" Subject Pinedo then told her that a friend bought the holster for him and he brought it into the store.

> **<u>IAB Note:</u>** Subject Pinedo told [redacted] he bought the holster and brought it into the store.

[redacted] stated Witness [redacted] came over and asked Subject Pinedo if he could help him find anything. She said they began to discuss holster accessories, as they walked back toward the holster display. [redacted] then pointed out to Witness [redacted] the location where Subject Pinedo had placed the empty holster bag. She then saw Subject Pinedo walk out of the store without paying for the holster.

[redacted] stated in late July or early August, 2010, she worked the front cash register(s) when she saw Subject Pinedo enter the store pushing a [redacted] greeted Subject Pinedo as he introduced her to his oldest [redacted]

[redacted] stated Subject Pinedo checked in to be fitted for uniforms and was told it was going to be a long wait. She then saw Pinedo push the stroller toward the radio accessories display where she saw him select a microphone lanyard. She saw Subject Pinedo place the item on top of the opened canopy/awning of the stroller. [redacted] saw Subject Pinedo close the awning, which covered the microphone lanyard; therefore, concealing it from view. Subject Pinedo was eventually fitted for his uniforms and left the store without paying for the microphone lanyard.

[redacted] stated on July 14, 2010, she worked the front cash register(s) when she saw Subject Pinedo enter the store. When she greeted Subject Pinedo, she did not see him bring anything into the store. Subject Pinedo told [redacted] he was there to pick up a uniform shirt as he continued to walk toward the back of the store. [redacted] eventually saw Subject Pinedo in the body armor section of the store trying on ballistic vests. [redacted] saw Subject Pinedo open a box and remove a vest. She then saw Subject Pinedo place the vest on top of a uniform shirt, which was on a nearby counter. Subject Pinedo then closed the empty box and placed it back on the shelf underneath other boxes that contained vests. [redacted] saw Subject Pinedo pick up the vest, which was concealed with the uniform shirt. She explained the vest was up against Subject Pinedo's body, while the uniform shirt faced outward in a manner whereby the vest could not easily be seen. [redacted] then saw Subject Pinedo leave the store without making an attempt to purchase the vest.

> **<u>IAB Note:</u>** During the search of Subject Pinedo's locker, a business card from Long Beach Uniform – Galls store was recovered by Sergeant [redacted] from LASD Lieutenant Duane Harris [redacted] The business card had hand writing on it bearing, "LASD 7-14-10 Less 10% ALL." The business card was initialed with a "J."

[redacted] stated that on May, 2010, she worked the front cash register(s) when she saw Subject Pinedo enter the store, in uniform with other uniformed LASD deputies. Subject Pinedo asked [redacted] to look at a Surefire X-300 Model gun light from the display case. [redacted] said when she handed Subject Pinedo the gun light, he told her he wanted to show it to his friends. She attended to other customers as Subject Pinedo walked away from the counter display. When [redacted] returned, Subject Pinedo was no longer in the

store, along with the other deputies. [redacted] stated she did not report the theft incident since it was her first week of employment at the store.

[redacted] recalled another incident a couple of weeks later in May, 2010, when Subject Pinedo took a gun light rail attachment. She explained Subject Pinedo had purchased some small items and once they were bagged, he walked over to the gun light accessories area and selected an object off the display. The display area consisted of gun light rail attachments. [redacted] saw Subject Pinedo place the item into his bag of purchased items and subsequently walk out of the store without paying for the item he concealed in his bag.

On October 7, 2010, LBPD Detective Sergeant [redacted] interviewed the following witness(s) at the Los Angeles Sheriff's Department, Men's Central Jail:

1. Eric Gonzalez, Sergeant

Sergeant Gonzalez was shown a photographic line-up and identified Subject Pinedo as the individual he met at Long Beach Uniform store on September 22, 2010.

Sergeant Gonzalez said he was inside the store being fitted for a uniform shirt when Subject Pinedo walked over to him and introduced himself as a fellow Sheriff's deputy. As they shook hands, Sergeant Gonzalez noticed Subject Pinedo did not have anything in his hands. He stated their contact was short.

While being assisted by Witness [redacted] Witness [redacted] approached Sergeant Gonzalez and told him Subject Pinedo was about to walk out of the store with a holster he did not pay for.

Sergeant Gonzalez stated he was initially angry at the accusation of a deputy stealing without proof; however, he saw Subject Pinedo drape his uniform shirt over the holster and walk toward the entrance/exit of the store. He then heard [redacted] say to Subject Pinedo, "Are you going to pay for that holster?" The store [redacted] ([redacted] then contacted Subject Pinedo as they both walked back to the holster display area. After a short time, Sergeant Gonzalez said Subject Pinedo walked out of the store with the unpaid holster.

Sergeant Gonzalez then asked Witness [redacted] if there were any problems. [redacted] was initially hesitant to provide any information stating the holster cost only $165.00 and was not worth ruining a working relationship with the Sheriff's Department.

Sergeant Gonzalez advised [redacted] that the incident was a serious issue and that he (Gonzalez) had to take action because he (Gonzalez) witnessed a crime.

Sergeant Gonzalez interviewed witness(s) and subsequently took the empty plastic holster bag and booked it into evidence at the East Los Angeles Sheriff's Station. He filed a courtesy criminal report for Burglary (Business), 459 P.C., under LASD #910-01090-5199-065.

On October 12, 2010, a search warrant was sought by Long Beach Police Department Detective [redacted], based on probable cause to believe that articles, property and persons described in the affidavit were lawfully seizable in connection with Subject Pinedo's investigation. The search warrant was issued by the Honorable Judge J. Cassani of the Superior Court of California, County of Los Angeles, Department 10, for the following locations and vehicles:

Locations:

1- [redacted]
2- 441 Bauchet Street, Los Angeles, California (Men's Central Jail); [redacted]

Vehicles:

1- 2007, Dodge P/U, Tan, License plate [redacted] The vehicle is registered to Mario Pinedo.

2- 2007, Nissan SUV, Tan, License plate [redacted] The vehicle is registered to Mario Pinedo or [redacted]

The search warrant was intended to establish the identity to the ownership of the victim(s) including the below listed items manufactured by "Galls:"

1- Black holster basket weave (Safariland) for 92F Beretta with Surefire "XT200" (BER92 BW R.H.), Model [redacted].
2- Gun light (Surefire) – Tactical LED light for gun "X300."
3- Body Armor vest (Safariland) – Extreme HP W/TR PLT LVL 3A, "Navy Large Reg," Model XTHP-IIIA.
4- Black microphone (Gear Keeper) – Lanyard MIC, Model RT2-4052.

IAB Note: For further details, refer to a copy of the Search Warrant and Return in **Exhibit F**.

Refer to **Exhibit F** for a copy of the items seized at the listed locations.

On October 12, 2010, an additional search warrant was sought by Long Beach Police Department Detective [redacted], based on probable cause to believe that articles, property and persons described in the affidavit were lawfully seizable in connection with Subject Pinedo's investigation. The search warrant was issued by the Honorable Judge Richard R. Romero of the Superior Court of California, County of Los Angeles, Department SO E, for the following location:

1- [redacted]
(Residence of Subject Pinedo's parents)

IAB Note: No items of evidentiary value were recovered from this location.

On October 12, 2010, Subject Pinedo was interviewed by LBPD Sergeant [redacted], [redacted] and detectives from the LBPD Burglary Detail, at the LASD Men's Central Jail, Operations office. Subject Pinedo was advised he was a suspect of a theft investigation and was under arrest for commercial burglary and grand theft. The following is a summary of the interview:

Sergeant [redacted] told Subject Pinedo he was the suspect of several thefts from Galls – Long Beach Uniform store in the City of Long Beach. Subject Pinedo was told the investigation was for the theft of a bullet proof vest, a holster, a gun light, a microphone lanyard and a gun light attachment rail for a Beretta 92FS pistol.

Subject Pinedo stated, "I know what this is stemming from and I did not take anything." When asked what his thoughts were; Subject Pinedo said he was at the store a few weeks ago when store personnel approached him and inquired about a holster he was carrying. Subject Pinedo said he told store personnel the holster belonged to him and that he came into the store with it.

Subject Pinedo told Sergeant [redacted] the holster was from his duty belt. He stated he purchased the holster from a store named, [redacted] in the City of Vista over six months ago.

Subject Pinedo told Sergeant [redacted] he never took a gun light from the store. He added he already has a gun light on his gun, which he purchased from [redacted] over a year ago.

Subject Pinedo told Sergeant [redacted] he bought a gun light rail and a gun light switch from [redacted] a while ago at different times.

Subject Pinedo recalled shopping at [redacted] store while he was in uniform when he was assigned to a "hospital watch" shift at Long Beach Memorial. He said he was with Deputy [redacted], at the time. He stated he did not walk out of the store with a gun light.

Subject Pinedo told Sergeant [redacted] he had no idea what a mic lanyard was and did not possess the item after Sergeant [redacted] described it to him.

Subject Pinedo explained to Sergeant [redacted] he does not keep all of his receipts for items purchased due to not wanting his [redacted] to know how much he was spending on police equipment. He added he normally pays cash for everything so that his [redacted] will not see the transactions on their debit/credit cards.

Subject Pinedo told Sergeant [redacted] his current vest is brand new, which he purchased from a friend, named [redacted] who is a [redacted] at [redacted] He stated [redacted] called him stating he had some extra vests that the [redacted] purchased and could sell it to him for cheap.

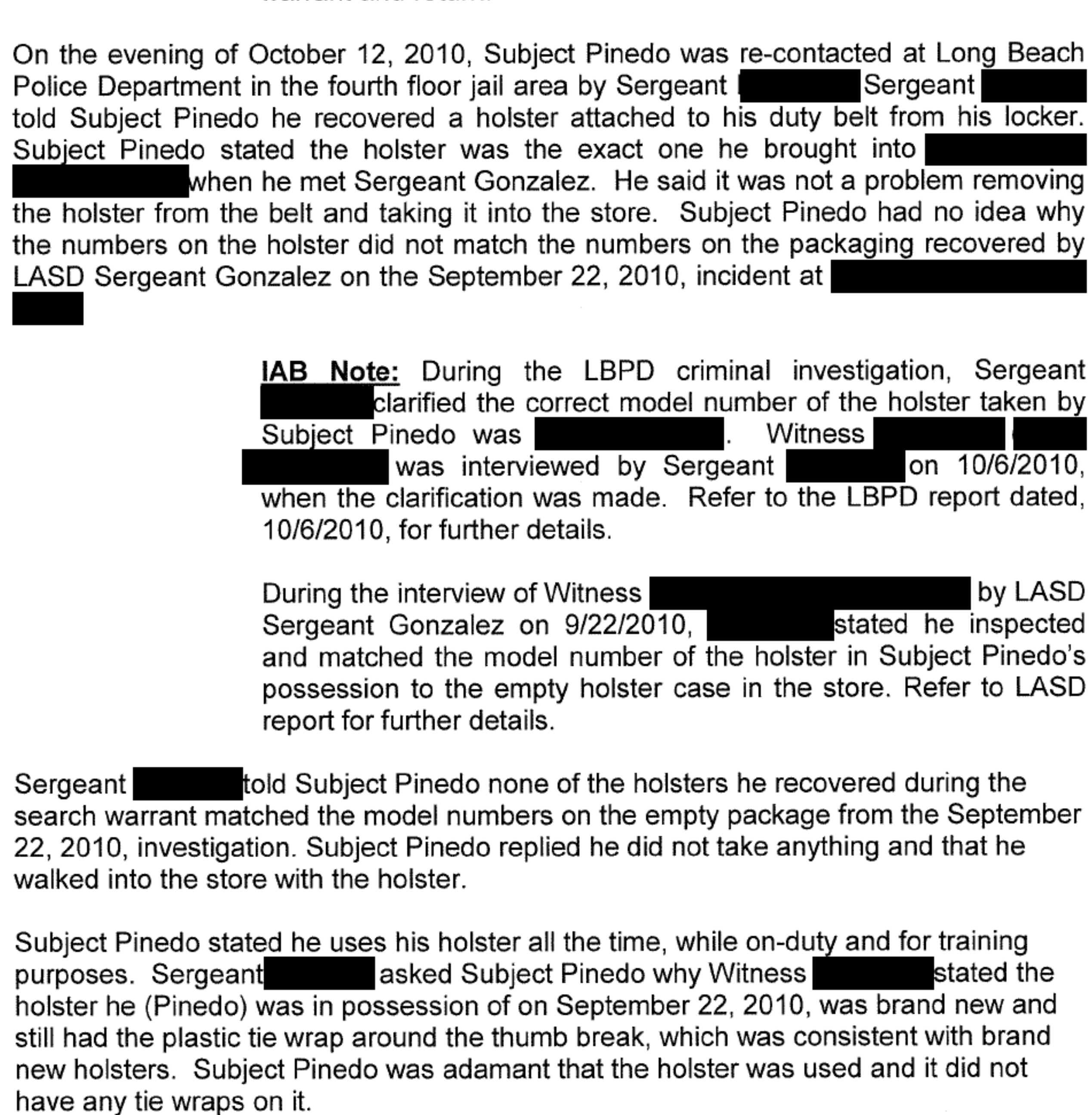
Subject Pinedo said he bought the vest for a couple hundred dollars. He added the vest was a great deal because the same vest in the store would be close to a thousand dollars.

Subject Pinedo stated he had one other vest in his car and another one at his [redacted] home in [redacted], along with some uniforms and miscellaneous leather gear.

Subject Pinedo was not asked any further questions pending the execution of search warrants at his locker, vehicle, residence and [redacted] He was escorted out of the Men's Central Jail and transported to Long Beach Police Department for booking and processing. He was then released to the LBPD jail staff and segregated on the fourth floor pending further investigation.

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IAB Note: For further details on the search warrant and recovered items at the locations, Refer to Exhibit ---- for a copy of the search warrant and return.

On the evening of October 12, 2010, Subject Pinedo was re-contacted at Long Beach Police Department in the fourth floor jail area by Sergeant [redacted] Sergeant [redacted] told Subject Pinedo he recovered a holster attached to his duty belt from his locker. Subject Pinedo stated the holster was the exact one he brought into [redacted] when he met Sergeant Gonzalez. He said it was not a problem removing the holster from the belt and taking it into the store. Subject Pinedo had no idea why the numbers on the holster did not match the numbers on the packaging recovered by LASD Sergeant Gonzalez on the September 22, 2010, incident at [redacted]

IAB Note: During the LBPD criminal investigation, Sergeant [redacted] clarified the correct model number of the holster taken by Subject Pinedo was [redacted]. Witness [redacted] was interviewed by Sergeant [redacted] on 10/6/2010, when the clarification was made. Refer to the LBPD report dated, 10/6/2010, for further details.

During the interview of Witness [redacted] by LASD Sergeant Gonzalez on 9/22/2010, [redacted] stated he inspected and matched the model number of the holster in Subject Pinedo's possession to the empty holster case in the store. Refer to LASD report for further details.

Sergeant [redacted] told Subject Pinedo none of the holsters he recovered during the search warrant matched the model numbers on the empty package from the September 22, 2010, investigation. Subject Pinedo replied he did not take anything and that he walked into the store with the holster.

Subject Pinedo stated he uses his holster all the time, while on-duty and for training purposes. Sergeant [redacted] asked Subject Pinedo why Witness [redacted] stated the holster he (Pinedo) was in possession of on September 22, 2010, was brand new and still had the plastic tie wrap around the thumb break, which was consistent with brand new holsters. Subject Pinedo was adamant that the holster was used and it did not have any tie wraps on it.

Subject Pinedo stated he was what they called a, "gear queer," in response to why he had so much police equipment for a person with only four years on the department and non-patrol trained. He said he bought stuff all the time.

Subject Pinedo said he bought so much stuff that he could not recall if he owned a microphone lanyard, which was recovered from his vehicle during the search warrant.

No further questions were asked of Subject Pinedo at this time.

On October 14, 2010, Sergeant [redacted] contacted [redacted], a representative from American Body Armor (ABA) regarding the vest recovered from Subject Pinedo's locker. This vest is the same one Subject Pinedo said he purchased from his friend ([redacted] in [redacted] for two hundred dollars.

> **IAB Note:** The serial numbers of the vest recovered from Subject Pinedo's locker are: **101000459 / 10061717.**

Inquiry into the ballistic body armor panels with serialized #'s: 101000459 / 10061717, revealed it was special ordered by a police officer from Beaverton Police Department in Beaverton, Oregon. The officer verified with Sergeant [redacted] he encountered fitting problems with panel #10061717, and subsequently sent it back to American Body Armor (ABA).

> **IAB Note:** American Body Armor (ABA) verified with Sergeant [redacted] the ballistic body armor panel bearing serial #10061717, was eventually shipped to the Galls – Riverside, CA, store in April, 2010.

On October 19, 2010, Sergeant [redacted] responded to LASD Men's Central Jail and contacted LASD Sergeant Scott Craig [redacted], assigned to Internal Criminal Investigations Bureau (ICIB), at the Operations office.

Sergeant Craig told Sergeant [redacted] that Sheriff's deputies were concerned with the arrest of Subject Pinedo and had come forward with items they purchased from him over the past few years. Deputies related to Sergeant Craig that Subject Pinedo told them he had a friend who owned a uniform supply shop who could get police equipment at cost. Five ballistic body armor vests were surrendered by Sheriff's deputies and recovered by LBPD Detective [redacted] Ten serial numbers from the vests were noted by Sergeant [redacted]

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A search of Subject Pinedo's locker by Sergeant [redacted] revealed a business card from Long Beach Uniform – Galls store. The business card was recovered by Sergeant [redacted] from LASD Lieutenant Duane Harris [redacted] The business card had hand writing on it bearing, "LASD 7-14-10 Less 10% ALL." The business card was initialed with a "J."

> **IAB Note:** The date written on the business card (7-14-10) is the same date Subject Pinedo was observed stealing ballistic body armor from Long Beach Uniform store by Witness [redacted]

Sergeant [redacted] contacted American Body Armor, who confirmed per business records four of the five vests surrendered by Sheriff's deputies were shipped to Galls - Uniform Center in the City of Orange. The fifth vest was shipped to Long Beach Uniform store.

Sergeant [redacted] contacted Store Manager [redacted] at [redacted] City of Orange, who stated his store saw significant inventory shrinkage in the area of body armor. The problem was at its worst during March or April, 2010, when he had to move most of the vest inventory off of the sales floor. He added it was common to find empty vest boxes on the display shelf. [redacted] said it was company policy to manually log the vest panel serial numbers into a notebook only at the time of sale.

On October 25, 2010, Sergeant [redacted] contacted Store Manager [redacted] at [redacted] – City of Orange, along with [redacted], who stated he reviewed all their records and were positive that the four vests in question were never purchased at their store.

Sergeant [redacted] was also advised by the store managers that at times, vests are either transferred to other stores or sold without being logged out; however, in this instance it would be extremely rare if not impossible for it not to be logged out. [redacted] commented that they have noticed empty flash light boxes, empty holster/leather duty gear bags and empty ASP baton containers from time to time.

On October 25, 2010, Sergeant [redacted] responded to LASD Men's Central Jail and collected five additional vests from Sheriff's deputies, who had surrendered them since Subject Pinedo's arrest. Sergeant [redacted] documented the serial numbers on the vest panels.

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On October 26, 2010, Sergeant [redacted] contacted American Body Armor (ABA), who confirmed per business records four of the five vests surrendered by Sheriff's deputies were shipped to Long Beach Uniform – Galls, in the City of Long Beach. The fifth vest was shipped to Galls – City of Orange.

Sergeant [redacted] contacted the store managers from the Long Beach and Orange [redacted] stores to review and confirm their inventory for the vest numbers recovered during the criminal investigation. [redacted] from Long Beach stated he had no record of any of the four vests leaving his store. [redacted] from Orange stated he did not have any record of the one vest ever leaving his store.

Additional follow-up

On October 14, 2010, Long Beach Police Detectives [redacted] and [redacted], interviewed the following individual:

1. [redacted], LASD Deputy #[redacted]

At Lakewood Sheriff's Station, Deputy [redacted] told LBPD detectives he recalled stopping at Long Beach Uniform store with Subject Pinedo, while in uniform. He stated they were on a "hospital run" to Long Beach Memorial when they decided to stop at the uniform store to look at some police items since he was close to going out to patrol.

Deputy [redacted] stated neither he nor Subject Pinedo purchased any items from the store at the time.

Deputy [redacted] said they looked at everything in the store. He said Subject Pinedo did not show him any flashlights while they were in the store. He recalled looking at a flashlight display on a blue display gun while in the store.

Deputy [redacted] stated Subject Pinedo did not purchase anything from the store and did not see him in possession of any police items when they left the store.

Deputy [redacted] said Subject Pinedo had a holster for sale, but he did not buy it.

> **IAB Note:** Refer to LBPD report dated, 10/14/2010, for further details.

On October 18, 2010, Long Beach Detective [redacted] interviewed the following individual:

1. [redacted] Police officer; [redacted]

At [redacted], CA., Detective [redacted] showed [redacted] a photograph of Subject Pinedo, whom he stated he knew as Mario Pinedo.

[redacted] said he first met Subject Pinedo at [redacted] in 2003, when they were both in the [redacted]. He said they worked the base jail and he was Subject Pinedo's supervisor. [redacted] stated he worked with Subject Pinedo for approximately a year then lost touch with him due to differing assignments within the [redacted]

[redacted] said he had not heard from or seen Subject Pinedo until approximately February or March of 2010. While [redacted] worked part-time at [redacted] in Oceanside, CA., he said Subject Pinedo came into the store and they recognized each other. [redacted] recalled Subject Pinedo was with [redacted] and told him he was working for the Sheriff's Department. They exchanged phone numbers, but have not been in contact since that day.

[redacted] said he did not sell anything to Subject Pinedo on the day they met at [redacted]

[redacted] stated he never sold anything to Subject Pinedo.

> **IAB Note:** Subject Pinedo stated to LBPD Sergeant [redacted] during his initial interview and arrest on October 12, 2010, that his current vest was brand new, which he purchased it from a friend, named, [redacted], who is a [redacted] at [redacted].

During the course of the criminal investigation, several Sheriff's deputies assigned to Men's Central Jail became aware of the theft investigation concerning Subject Pinedo.

On October 19, 2013, and October 25, 2013, deputy personnel surrendered 10 ballistic body armor vests to the Operations office at Men's Central Jail. LASD Lieutenant Duane Harris [redacted] took possession of the vests until it was recovered by LBPD Sergeant [redacted] and Detective [redacted] on October 30, 2013, who it booked it into evidence at LBPD.

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The following is a list of deputy sheriffs who purchased "American Body Armor (ABA) Extreme" ballistic body armor vests (front/back panels) from Subject Pinedo:

1. Deputy [redacted] #[redacted]; front #07218649 / back #07218656; and flashlight.
2. Deputy [redacted] #[redacted] front #09151491 / back #09151492; and holster.
3. Deputy [redacted] #[redacted]; front #8019951 / back #8019952; and gun rail.
4. Deputy [redacted] #[redacted]; front #7207907 / back #7207909; holster, flashlight and gun light.
5. Deputy [redacted] #[redacted]; front #09212154 / back #09212157
6. Deputy [redacted] #[redacted]; front #10034785 / back #10034787
7. Deputy [redacted] #[redacted]; front #7218652 / back #7218659; boots and flashlight.
8. Deputy [redacted] #[redacted]; front #07158029 / back #07158030; and flashlight.
9. Deputy [redacted] #[redacted]; front #8138150 / back #8138163; and Sam Browne belt.
10. Deputy [redacted] #[redacted]; front #08085484 / back #0808485

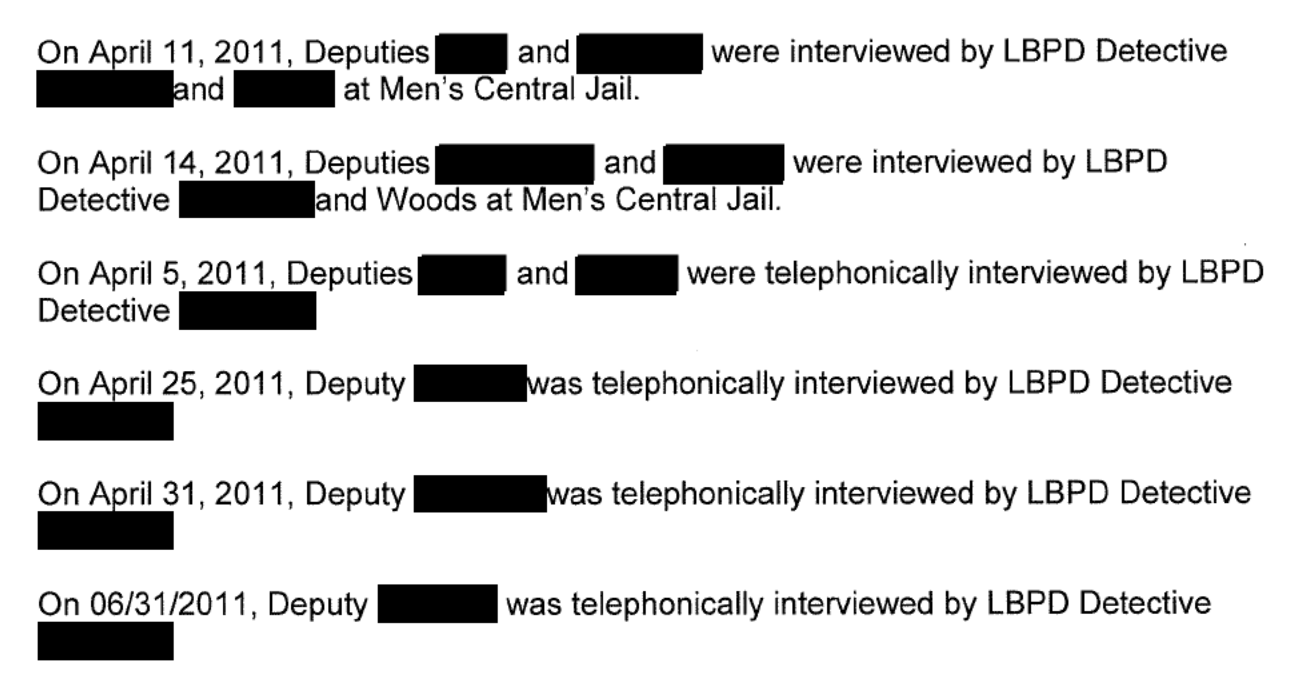
The following is a list of deputy sheriffs who purchased miscellaneous police equipment from Subject Pinedo:

1. Deputy [redacted] #[redacted]; holster extension
2. Deputy [redacted] #[redacted]; flashlight "Streamlight"
3. Deputy [redacted] #[redacted]; holster extension
4. Deputy [redacted] #[redacted]; complete Sam Browne gun belt
5. Deputy [redacted] #[redacted]; double magazine pouch
6. Deputy [redacted] #[redacted]; holster and gun light

All the listed deputies were interviewed by Long Beach Police detectives regarding the purchase of police items from Subject Pinedo.

On March 31, 2011, Deputies [redacted], [redacted] and [redacted] were interviewed by LBPD Detective [redacted] and [redacted] at Long Beach Police Department.

On April 7, 2011, Deputies [redacted], [redacted], [redacted] and [redacted] were interviewed by LBPD Detective [redacted] and [redacted] at Men's Central Jail.



On April 11, 2011, Deputies [redacted] and [redacted] were interviewed by LBPD Detective [redacted] and [redacted] at Men's Central Jail.

On April 14, 2011, Deputies [redacted] and [redacted] were interviewed by LBPD Detective [redacted] and Woods at Men's Central Jail.

On April 5, 2011, Deputies [redacted] and [redacted] were telephonically interviewed by LBPD Detective [redacted]

On April 25, 2011, Deputy [redacted] was telephonically interviewed by LBPD Detective [redacted]

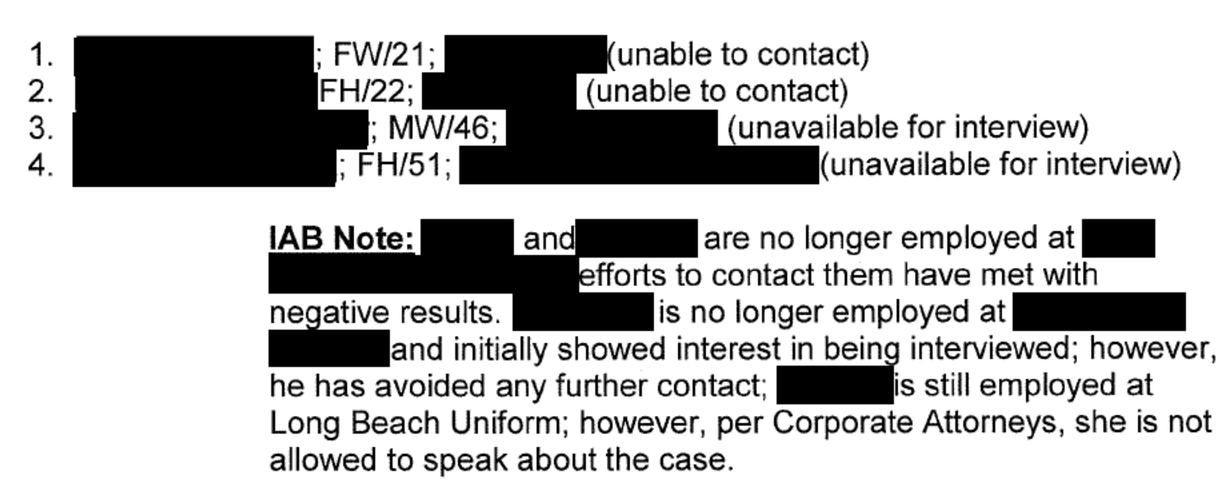
On April 31, 2011, Deputy [redacted] was telephonically interviewed by LBPD Detective [redacted]

On 06/31/2011, Deputy [redacted] was telephonically interviewed by LBPD Detective [redacted]

> **IAB Note:** For further details, refer to **Exhibit F**, LBPD's supplemental report #0015, for a copy of deputy personnel's respective interviews, including an inventory list of police items recovered during the investigation.

Administrative investigation

Civilian witness(s):



1. [redacted]; FW/21; [redacted] (unable to contact)
2. [redacted] FH/22; [redacted] (unable to contact)
3. [redacted]; MW/46; [redacted] (unavailable for interview)
4. [redacted]; FH/51; [redacted] (unavailable for interview)

> **IAB Note:** [redacted] and [redacted] are no longer employed at [redacted] efforts to contact them have met with negative results. [redacted] is no longer employed at [redacted] and initially showed interest in being interviewed; however, he has avoided any further contact; [redacted] is still employed at Long Beach Uniform; however, per Corporate Attorneys, she is not allowed to speak about the case.

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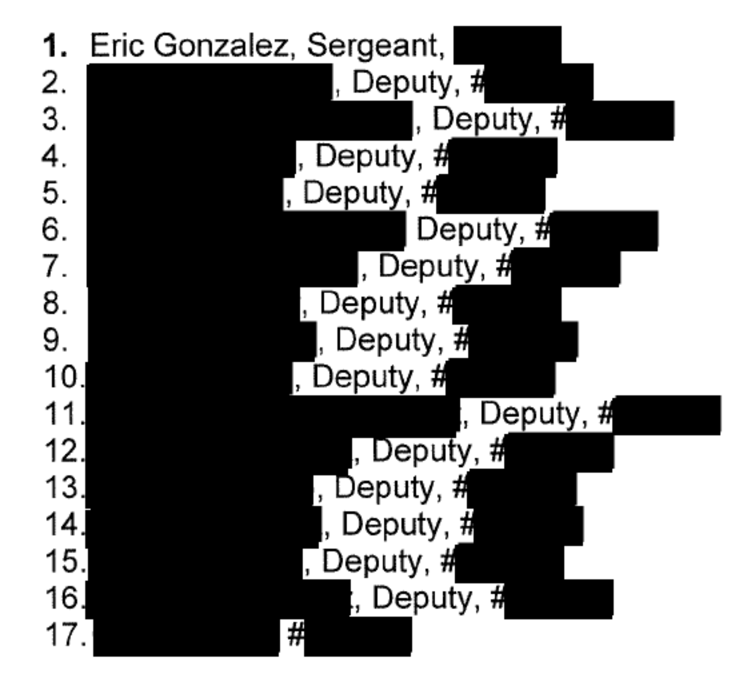
During the preliminary interview, [redacted] testified to theft of the gun light, gun light rail, vest, microphone lanyard and holster by Subject Pinedo.

> **<u>IAB Note:</u>** For further details, refer to an enclosed copy of the preliminary hearing transcripts regarding [redacted] direct examination; See page(s) 10 (gun light), 15 (gun light rail), 18 (vest), 21 (microphone lanyard) and 25 (holster).

LBPD Sergeant [redacted] also testified at the preliminary hearing as the investigating officer. His testimony consisted of interviews with witnesses, review of investigative reports and documentation associated with the overall investigation.

> **<u>IAB Note:</u>** For further details, refer to an enclosed copy of the preliminary hearing transcripts; See page 66, for [redacted] direct examination.

<u>Sworn witness(s):</u>



1. Eric Gonzalez, Sergeant, [redacted]
2. [redacted], Deputy, #[redacted]
3. [redacted], Deputy, #[redacted]
4. [redacted], Deputy, #[redacted]
5. [redacted], Deputy, #[redacted]
6. [redacted] Deputy, #[redacted]
7. [redacted], Deputy, #[redacted]
8. [redacted], Deputy, #[redacted]
9. [redacted], Deputy, #[redacted]
10. [redacted], Deputy, #[redacted]
11. [redacted], Deputy, #[redacted]
12. [redacted], Deputy, #[redacted]
13. [redacted], Deputy, #[redacted]
14. [redacted], Deputy, #[redacted]
15. [redacted], Deputy, #[redacted]
16. [redacted], Deputy, #[redacted]
17. [redacted] #[redacted]

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SWORN WITNESS(S) INTERVIEW

WITNESS - SEREGANT, Eric Gonzalez, Employee [redacted] was interviewed on March 7, 2013, at approximately 1010 hours, at Internal Affairs Bureau by Sergeants Frank Quichocho and Jose Garcia. Witness Gonzalez was represented by PPOA Labor Representative, Teresa Machado and Raquel Ortega. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

Sergeant Gonzalez said on September 22, 2010, at approximately 1330 hours, he was being fitted for his Special Response Team (SRT) gear at Long Beach Uniform store. While he was being assisted by a young [redacted] (later identified as Witness [redacted] Sergeant Gonzalez was approached by a male Hispanic, who identified himself as Mario Pinedo. Subject Pinedo told Sergeant Gonzalez he was assigned to the 3000 floor of Men's Central Jail and had recognized him (Gonzalez) from the Visiting Front assignment at Men's Central Jail. Subject Pinedo said he was shopping for uniforms and/or gear in preparation for patrol at Norwalk Station.

When Sergeant Gonzalez completed his fitting, he went to the front counter and spoke to a female cashier (later identified as Witness [redacted]. [redacted] pointed out Subject Pinedo to Sergeant Gonzalez and asked if he knew him because she had seen them speaking to each other earlier.

Sergeant Gonzalez noticed Subject Pinedo walking out of the store with a holster and a Sheriff's uniform in his hand. [redacted] told Sergeant Gonzalez, "Hey, look, he's going to steal that holster." She further described how Subject Pinedo was going to steal the holster by stating, "He's going to drape it over his holster." Sergeant Gonzalez then saw Subject Pinedo do exactly as [redacted] had described as he continued to walk toward the front door of the store. He then saw the [redacted] contact Subject Pinedo for a short time.

Sergeant Gonzalez stated [redacted] told him, "Yeah, he comes here all the time and takes stuff." Both cashiers then said, "Yeah, he was going to steal that holster." The cashiers also stated Subject Pinedo did not initially enter the store with anything in his hands. Subject Pinedo eventually left the store with the holster.

After Subject Pinedo left the store, Sergeant Gonzalez spoke to [redacted] and asked him what happened. At first, [redacted] did not want to speak about the incident stating, "It's no big deal. The holster is worth only a hundred and sixty-four dollars. I don't want to lose the contract."

After Sergeant Gonzalez reassured [redacted] he was not going to lose the Sheriff's contract, [redacted] said they had been monitoring Subject Pinedo. [redacted] said Subject Pinedo had taken items from the store in the past and was informed earlier he was about to steal a holster. [redacted] said he had no doubt Subject Pinedo took the holster off of the store shelf indicating the store plastic security tab was still attached to the holster thumb snap. [redacted] then directed Sergeant Gonzalez to the area where she saw Subject Pinedo remove the packaged holster from the shelf, take the holster out of the package, then hide the empty package behind several holster packages on the shelf.

> **IAB Note:** Sergeant Gonzalez took the empty plastic bag and booked it into evidence at East L.A. Sheriff's Station that same day.

After Sergeant Gonzalez explained the seriousness of the incident to [redacted] he ([redacted] stated Subject Pinedo needed to be terminated and/or prosecuted.

Sergeant Gonzalez then notified Men's Central Jail Captain Dan Cruz and Operations Lieutenant Duane Harris about the incident. He was advised to write a report and book the evidence at East L.A. Sheriff's Station and conduct a follow-up investigation with the witness(s).

On Sergeant Gonzalez's transcript on Page 8 and 9, he addressed the following items during his follow-up investigation on September 30, 2010:

Quichocho: Alright. On the stolen 1 of 1, how is that stolen item addressed to you, as far as the incident was concerned? It was a holster, black plastic, basket weave, Safari Land.

Gonzalez: The witness who was monitoring him when he entered the store, because I guess they had been missing items, and people had reported or employees had reported to the assistant manager and the manager, the assistant manager had an employee monitor him every time he came in. She said she was following him. She saw him take the holster from, what do you call it, shelving, remove it,

> unzip it, take it out, take the empty holster and place it behind several other holsters to conceal the empty holster. The gunlight surefire light, she stated she had just been employed, newly employed. He walked in in uniform, requested to see the light which was in the display case. She handed it to him. She said what we all would think, we're all cops, he would give it back. He walked out and never returned. The body armor vest, I'm not sure what employee told me that, but she says, "Talk to the assistant manager." Which I did. Which is also listed on the report, and she stated yes, they had seen him remove the body armor vest from the box, place it under several other filled boxes on the shelving, and go pick up the uniform shirt, and once again drape it over the vest as he walked out the store. She provided me the serial number to the vest, to compare it to the panels, because they are serialized by the company. The black microphone, which is stolen 4, I believe he walked in with his children in a stroller, and he took several items. She couldn't recall what other stuff he took, put them on the top of the awning which covers the child, and folded it back to conceal the items, and went back and got his uniform. So in reference to his uniforms, I believe what he does is he gets his dry-cleaning done there, and that's his method of, or reason for being at the store.

Sergeant Gonzalez said he was approached by Subject Pinedo while he was being fitted for a uniform. He said he was at the south wall of the store approximately sixty feet from the front door. He added his contact with Subject Pinedo lasted for only a couple of minutes. He stated Subject Pinedo was by himself in the store dressed in civilian clothes. During their conversation, Sergeant Gonzalez said Subject Pinedo neither held a uniform in his hands nor a holster.

Sergeant Gonzalez stated when [redacted] told him of what Subject Pinedo was about to do with the holster, he looked at Subject Pinedo and saw him drape a uniform shirt over the holster. He could not recall which hand Subject Pinedo carried the holster with.

Sergeant Gonzalez said just before Subject Pinedo exited the store, he was contacted by the store manager ([redacted]

Sergeant Gonzalez explained that from the time he spoke to [redacted] concerning Subject Pinedo's actions to the time he saw him walking toward the front door with the hidden holster to when the store manager had concluded speaking to Subject Pinedo, it was approximately five to ten minutes.

Sergeant Gonzalez explained the conversation between [redacted] and Subject Pinedo occurred by the holster area of the store. He added he was approximately twenty-five feet from them.

Sergeant Gonzalez stated there was no obstruction between him and Subject Pinedo when he observed him drape the uniform shirt over the holster.

Sergeant Gonzalez said as [redacted] explained line by line how Subject Pinedo was going to steal the holster, it sounded "freakish" to him as the entire incident unfolded just as she had described it. Based on [redacted] comment, Sergeant Gonzalez believed Subject Pinedo had stolen items in the past in order for her of how Subject Pinedo steals items from the store.

Sergeant Gonzalez said he did not see Subject Pinedo going through any of the holsters at the holster area of the store.

When [redacted] called Subject Pinedo out regarding payment of the holster, Sergeant Gonzalez said Subject Pinedo waved at her, and then was immediately contacted by manager ([redacted]

Sergeant Gonzalez said he did not hear the conversation between [redacted] and Pinedo.

Sergeant Gonzalez stated the conversation between [redacted] and Subject Pinedo did not appear to be heated, accusatory, loud or argumentative.

Sergeant Gonzalez said there was a mutual business friendship between him and [redacted] and he has known him for approximately two years.

The following conversation took place inside the manager's office between Sergeant Gonzalez and [redacted] Refer to Page 17 of the transcript:

Quichocho: What happened with that conversation?

Gonzalez: I asked him what happened and [redacted] was initially, "Oh nothing." I said, "Look, your store employees already told me." And he kind of got, he was a little bit embarrassed. He says, "It's (inaudible) it's no big deal. The holster's only a hundred and sixty-four dollars. I don't want to lose the account with the Sheriff's Department." I said,

> "[redacted] you don't have to worry about that." I said, "If he's a crook, he's a crook." and he looked at me and he paused, and he said, "Let's talk inside my office." And he closed the door you know, out of earshot from other patrons, because it is a little embarrassing. I said, "Do you think it's your holster?" he said, "Without a doubt." He says, "It's got -." and I don't know what it is, a security tab of some sort.

After his conversation with [redacted] Sergeant Gonzalez said [redacted] was called and she explained what happened with the Subject Pinedo and the holster. [redacted] then took Sergeant Gonzalez and [redacted] over to the holster display and pulled the hidden Safariland empty plastic bag from the shelf.

Sergeant Gonzalez stated [redacted] identified the holster in Subject Pinedo's possession belonged to the store by the security tab that was still attached to the thumb break; that they only kept a small inventory of that specific holster as only the L.A. Sheriff's Department uses that type of holster; it was brand new; in addition to finding the empty holster plastic bag that matched the holster model number.

Sergeant Gonzalez explained he asked [redacted] if he was positive the holster belonged to the store and if it was in fact stolen. [redacted] was adamant the holster belonged to the store coupled with the fact that two other store employees had witnessed Subject Pinedo enter the store without a holster, including himself (Gonzalez).

Sergeant Gonzalez stated Subject Pinedo was within arm's reach of pushing the front door of the store as he saw him walking out past the cash register, where he (Gonzalez) was at was definitely leaving the store when he was called out by [redacted] He stated he saw Subject Pinedo simultaneously drape the uniform shirt over the holster, wave at [redacted] then proceed to leave the store.

Sergeant Gonzales added [redacted] told him times were tough and he did not want to lose the Sheriff's contract coupled with the negative publicity the store might receive from the incident. He then placed [redacted] on speaker phone with Mens' Central Jail Captain Dan Cruz and/or Operations Lieutenant Duane Harris. He stated [redacted] was told not to worry about the contract.

> **IAB Note:** On May 3, 2013, I spoke to Captain Harris at Homicide Bureau, who stated he vividly recalled the day he was notified of the incident by Sergeant Gonzalez. He confirmed speaking to [redacted] telephonically about the incident being a reportable crime. He could not recall if he spoke about the store losing their contract.

Sergeant Gonzales said he conducted a follow-up investigation on September 30, 2010, with witnesses to the incident. Eventually, Long Beach Police Department took over the investigation. He was subsequently interviewed by Long Beach PD detectives at Men's Central Jail regarding his observations.

Sergeant Gonzalez stated deputy personnel cooperated with the investigation when they found out Subject Pinedo was being investigated for theft of police equipment. He said deputies eventually surrendered vests, boots, flashlights, flashlight batteries, accessories, handcuffs, asps, batons, web gear, Sam Browne leather gear, lanyards, bulletproof vests, gun holsters, gun lights, and keepers to the Operations office at Men's Central Jail. He said the operations office looked like a uniform store.

Sergeant Gonzalez said based on his experience and tenure, he believed Subject Pinedo was selling stolen property.

> **IAB Note:** For further details, refer to an enclosed copy of Sergeant Gonzalez's verbatim transcripts.

WITNESS - DEPUTY SHERIFF, [redacted], Employee #[redacted], was interviewed on April 18, 2013, at approximately 1345 hours, at Internal Affairs Bureau by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided a copy of the Long Beach Police report containing a summary of his telephonic interview with LBPD Detective [redacted] on June 1, 2011. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] said the telephonic interview was possibly recorded, but was not sure. He believed the interview was formal and he was at home when it occurred. He could not recall if he was given Miranda and/or Lybarger rights.

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[redacted] was not provided with a copy of the recorded interview and could not recall if he was told the recording was to assist the detective in personal note taking.

[redacted] said he has known Subject Pinedo for about five years. He stated it was only a working relationship and did not do anything with him off-duty. He stated he knew Subject Pinedo was a marine and spoke to other deputies about the service, but knew nothing else of him.

[redacted] explained he was speaking about getting a lighter vest when someone mentioned they had received one from Subject Pinedo, who had a friend who worked at a shipping company. The name of the friend was not disclosed and the name of the business was not mentioned. [redacted] was led to believe it was a distribution warehouse where the vests were came from.

[redacted] said he told Subject Pinedo he wanted a Level IIIA vest. Subject Pinedo explained to him since the pallets at the warehouse were damaged, the insurance company paid them off so instead of getting rid of and/or throwing the vests away, they would be sold wholesale through the shipping company. [redacted] was led to believe the vests themselves were not damaged; however, the pallets were; therefore, the shipping company would buy the entire pallet instead of piecing off each separate vest.

[redacted] was referred to Long Beach PD's investigative report where he identified and verified the vest he surrendered was listed as item #40, on the property evidence list. He added the vest was a navy blue ABA Extreme.

[redacted] said Subject Pinedo did not give him a business card. He did not know where the shipping company was located at and did not know the name of the person who worked at the shipping company.

[redacted] said he purchased the vest from Subject Pinedo for four hundred dollars in cash. He added cash was his ([redacted]) preferred method of payment. He did not obtain a receipt for the vest. He added he bought the vest about a year or two years ago.

[redacted] said Subject Pinedo was only able to get the ABA Extreme model type vest. He provided Subject Pinedo with his vest size and received the vest within a week's time.

[redacted] believed he got a good deal and/or a discount from Subject Pinedo. He stated the cost of the vest would normally range from five hundred fifty to eight hundred dollars. He stated he received the vest brand new in a plastic bag with extra side straps.

[redacted] said the transaction of the vest occurred at the four-story parking structure at Men's Central Jail. He recalled Subject Pinedo retrieving the vest from the trunk of his car.

During the criminal investigation, [redacted] felt betrayed when he learned Subject Pinedo was a suspect in the theft of police equipment. Although Subject Pinedo was not a friend, he was a co-worker / deputy sheriff and if he did break the law it was upsetting to him.

> **IAB Note:** For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

WITNESS - DEPUTY SHERIFF, [redacted], Employee #[redacted], was interviewed on April 18, 2013, at approximately 1229 hours, at Internal Affairs Bureau by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided a copy of the Long Beach Police report containing a summary of his interview with LBPD Detective [redacted] on April 7, 2011, at LASD Men's Central Jail. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated his status during the interview was that of a witness to Subject Pinedo's theft investigation. He said the interview was digitally recorded by Detective [redacted] He could not recall if he was given Miranda and/or Lybarger rights or if the interview was either formal or informal.

[redacted] was not provided a copy of the recorded interview. He recalled he was told the recording was to assist the detective in personal note taking.

[redacted] said he has known Subject Pinedo for approximately four years. He stated he has a casual relationship with him; more like a business type relationship.

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[redacted] stated he was working a hospital assignment with Subject Pinedo when he ([redacted] spoke about purchasing police equipment. Subject Pinedo remarked he would be able to get him what he needed.

[redacted] said he eventually bought a bullet-proof vest from Subject Pinedo. [redacted] said he had the vest for approximately four months before the criminal investigation against Subject Pinedo began.

[redacted] explained that Subject Pinedo told him he had a friend who owned a law enforcement supply shop that sold police equipment.

[redacted] said Subject Pinedo did not disclose the friends name or the name of the business, only that it was located in Carlsbad, CA.

[redacted] stated Subject Pinedo told him he could get police equipment at a discounted rate meaning new items at wholesale price.

[redacted] said he purchased a brand new vest from Subject Pinedo. The vest came inside a box. He said the transaction occurred at the floor parking structure at work.

[redacted] was referred to Long Beach PD's investigative report where he identified and verified the vest he surrendered to the MCJ Operations office was listed as item #44, on the property evidence list. He added the vest was a blue ABA Safariland ballistic vest.

[redacted] said the vest cost four hundred dollars and was paid for in cash. He said cash was Subject Pinedo's preference. He did not obtain a receipt.

[redacted] believed the cost of the vest was a good deal since they normally sell for seven to eight hundred dollars.

[redacted] said he never met the individual Subject Pinedo stated he was working with or visited the business location.

[redacted] stated he had mixed emotions when he learned Subject Pinedo was being investigated for theft of police equipment. He was surprised of the allegation against Subject Pinedo knowing it was somebody he worked with and had certain professional expectations of. He added he did not want to get dragged into any nonsense and anything criminal.

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

IAB Note: For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

WITNESS - DEPUTY SHERIFF, [redacted], Employee #[redacted], was interviewed on April 18, 2013, at approximately 1258 hours, at Internal Affairs Bureau by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his interview with LBPD Detective [redacted] on March 31, 2011, at Long Beach Police Department. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated his status during the interview was that of a witness to Subject Pinedo's theft investigation. He said the interview was digitally recorded by Detective [redacted] He could not recall if he was given Miranda and/or Lybarger rights or if the interview was either formal or informal.

[redacted] was not provided a copy of the recorded interview and could not recall if he was told the recording was to assist the detective in personal note taking.

[redacted] said he first met Subject Pinedo in October, 2007. He stated they only had a professional / business type friendship.

[redacted] stated he heard through other deputy personnel that Subject Pinedo sold police items that were hard to find. Therefore, he asked Subject Pinedo for an extension holster because his arms are real long.

Subject Pinedo told [redacted] he had a friend that had a connection and then left it at that. [redacted] said he never learned of the friend's name, the name of the business or where it was located at.

[redacted] said Long Beach PD did not ask him to return the item.

[redacted] said he paid forty dollars for the extension holster. He said it was a good deal since he did not have to pay for shipping and he received it the next day.

[redacted] said he paid cash for the extension holster. He said it was his preference to pay in cash. He did not obtain a receipt for the item. The extension holster was not packaged in any way when he received it; however, it was brand new.

[redacted] could not recall when he purchased the extension holster.

> **IAB Note:** For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

WITNESS - DEPUTY SHERIFF, [redacted], Employee # [redacted], was interviewed on April 18, 2013, at approximately 1322 hours, at Internal Affairs Bureau by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his telephonic interview with LBPD Detective [redacted] on March 31, 2011. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated his status during the interview was that of a witness to Subject Pinedo's theft investigation. He said the interview was recorded by Detective [redacted] He could not recall if he was given Miranda and/or Lybarger rights or if the interview was either formal or informal.

[redacted] was not provided a copy of the recorded interview and could not recall if he was told the recording was to assist the detective in personal note taking.

[redacted] stated he has known Subject Pinedo for approximately five years and worked with him on the 3000 floor of Men's Central Jail as a partner. He said Subject Pinedo is also a good personal friend.

[redacted] said he Subject Pinedo had a vest for sale and bought it from him. He stated Subject Pinedo never told him he sold police equipment, but had a friend who was able to give a twenty to thirty percent discount on police equipment. He also purchased a Sam Browne belt.

[redacted] stated Subject Pinedo did not mention the name of his friend or provide any information as to where he (Pinedo) would receive police equipment from. He said Subject Pinedo told him his friend worked at a warehouse. [redacted] stated he never met Subject Pinedo's friend or visited the warehouse.

[redacted] said he paid three hundred dollars for the Sam Browne belt and four hundred dollars for the vest. He recalled the Sam Browne was used, but was not sure if the vest was brand new. He could not recall what type of packaging the items came in.

[redacted] could not recall when he purchased the items from Subject Pinedo.

[redacted] said Subject Pinedo did not present him with an inventory list of police items to pick and choose from.

[redacted] stated the vest was surrendered to Long Beach PD, while the Sam Browne was returned to him.

[redacted] was referred to Long Beach PD's investigative report where he identified and verified the vest he surrendered was listed as item #43, on the property evidence list. He added the vest was a navy blue ABA Extreme.

[redacted] could not recall how he paid for the vest and Sam Browne. He did not collect a receipt for the purchased items.

Upon learning of Subject Pinedo's criminal investigation, [redacted] said he was in shock and disbelief. He added it was not up to him to judge Subject Pinedo.

> **IAB Note:** For further details, refer to an enclosed copy of [redacted] verbatim transcript.

WITNESS - DEPUTY SHERIFF, [redacted], Employee #[redacted], was interviewed on April 18, 2013, at approximately 1345 hours, at Internal Affairs Bureau by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his interview with LBPD Detective [redacted] on March 31, 2011, at Long Beach Police Department. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated his status during the interview was that of a witness to Subject Pinedo's theft investigation. He said the interview was digitally recorded by Detective [redacted] He was told if he wanted the recorder to be turned off they would do so. He could not recall if he was given Miranda and/or Lybarger rights or if the interview was either formal or informal.

[redacted] was not provided a copy of the recorded interview and could not recall if he was told the recording was to assist the detective in personal note taking.

[redacted] stated he has known Subject Pinedo for approximately six years and considered him a co-worker. They had worked the 3000 floor together and may have seen each other once or twice outside of work.

While speaking to another deputy about the purchase of a better bullet-proof vest, Subject Pinedo approached him and stated he could get a vest from a "buddy" who has a shop in Oceanside. Subject Pinedo did not reveal any other information about the "buddy."

[redacted] said he never went to the shop at Oceanside and/or meet with Subject Pinedo's "buddy." He stated he took Subject Pinedo's word concerning the location of the shop; therefore, he did not ask for the name of the shop and/or verify its existence. He added Subject Pinedo did not hand out any business card(s) for the shop.

[redacted] stated Subject Pinedo did not explain why he sold police equipment. He did not know if it was to supplement his income.

Besides the purchase of the vest, [redacted] said he bought a "Streamlight" tactical light and an extension holster for his duty weapon. He paid $50.00 for the tactical light, $600.00 for the vest and $40.00 for the extension holster.

[redacted] believed he received a good deal and/or discount because it saved him the time to go to the store and purchase the items himself. He stated the tactical light was used; the extension holster came in its original package and the vest appeared to be brand new. The vest was not packaged in any way.

[redacted] received the holster inside a Safariland red and black plastic bag.

[redacted] said Subject Pinedo did not have an inventory list to pick and choose police items for purchase.

[redacted] said he purchased the items from Subject Pinedo on three separate occasions. He could not recall when he bought the items, although his LBPD interview reflected a purchase date sometime in 2008.

[redacted] stated he surrendered the vest to MCJ Operations, but was allowed to keep the holster extension and tactical light by the detectives.

[redacted] said he bought the vest first followed by the holster extension and then the tactical light.

[redacted] explained he purchased all the items in cash. He did not get a receipt for any of the items. He said the transaction occurred in the locker room.

During the investigation, [redacted] stated he could not believe Subject Pinedo was involved in stolen police equipment and to this day still does not believe he stole anything.

> **IAB Note:** For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

WITNESS - DEPUTY SHERIFF, [redacted], Employee # [redacted], was interviewed on April 18, 2013, at approximately 1412 hours, at Internal Affairs Bureau by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his interview with LBPD Detective [redacted] on March 31, 2011, at Long Beach Police Department. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated he was telephonically interviewed by Long Beach PD; however he could not recall who interviewed him. He could not recall if he was advised the interview would be recorded or if he was given Miranda and/or Lybarger rights.

[redacted] said he met Subject Pinedo in June of 2007. He considered their relationship as that of a co-worker. They did not associate while off-duty.

[redacted] does not recall when he purchased a double magazine pouch from Subject Pinedo. He recalled speaking to Subject Pinedo in the locker room about wanting a double magazine pouch. Subject Pinedo then sold him one that was attached to his (Pinedo's) Sam Browne belt. [redacted] said he paid twenty dollars in case for the item. He did not get a receipt for the purchase. He stated the item appeared to be used.

[redacted] stated Subject Pinedo did not tell him where he acquired the magazine pouch.

[redacted] said he was in shock when he learned Subject Pinedo was involved on the theft of police equipment. He stated he could not fathom the idea of anyone he worked with doing something like that.

> **<u>IAB Note:</u>** For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

WITNESS - DEPUTY SHERIFF, [redacted], Employee #[redacted], was interviewed on April 18, 2013, at approximately 1434 hours, at Internal Affairs Bureau by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his telephonic interview with LBPD Detective [redacted] on May 5, 2011. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated his status during the interview was that of a victim to Subject Pinedo's theft investigation. He said the interview was digitally recorded by Detective [redacted] He could not recall if he was given Miranda and/or Lybarger rights.

[redacted] stated he has known Subject Pinedo for approximately four years. He described their relationship as that of a co-worker; professional business type.

[redacted] said Subject Pinedo told him he sold police equipment sometime in January of 2007.

[redacted] stated Subject Pinedo told him he received police equipment from a buddy; however, he did not mention the buddy's name. He said their conversation about police equipment occurred in the locker room as their lockers were next to each other.

[redacted] said he bought a vest and flashlight from Subject Pinedo at different times.

[redacted] was referred to Long Beach PD's investigative report where he identified and verified the vest he surrendered was listed as item #39, on the property evidence list. He added the vest was a navy blue ABA Extreme.

[redacted] said he purchased the vest from Subject Pinedo for six hundred dollars and the flashlight for one hundred dollars. He bought the vest sometime in January of 2007. He stated he received the vest the next day after he spoke to Subject Pinedo about it. He added Subject Pinedo had an extra vest, which was nicer than the one he had.

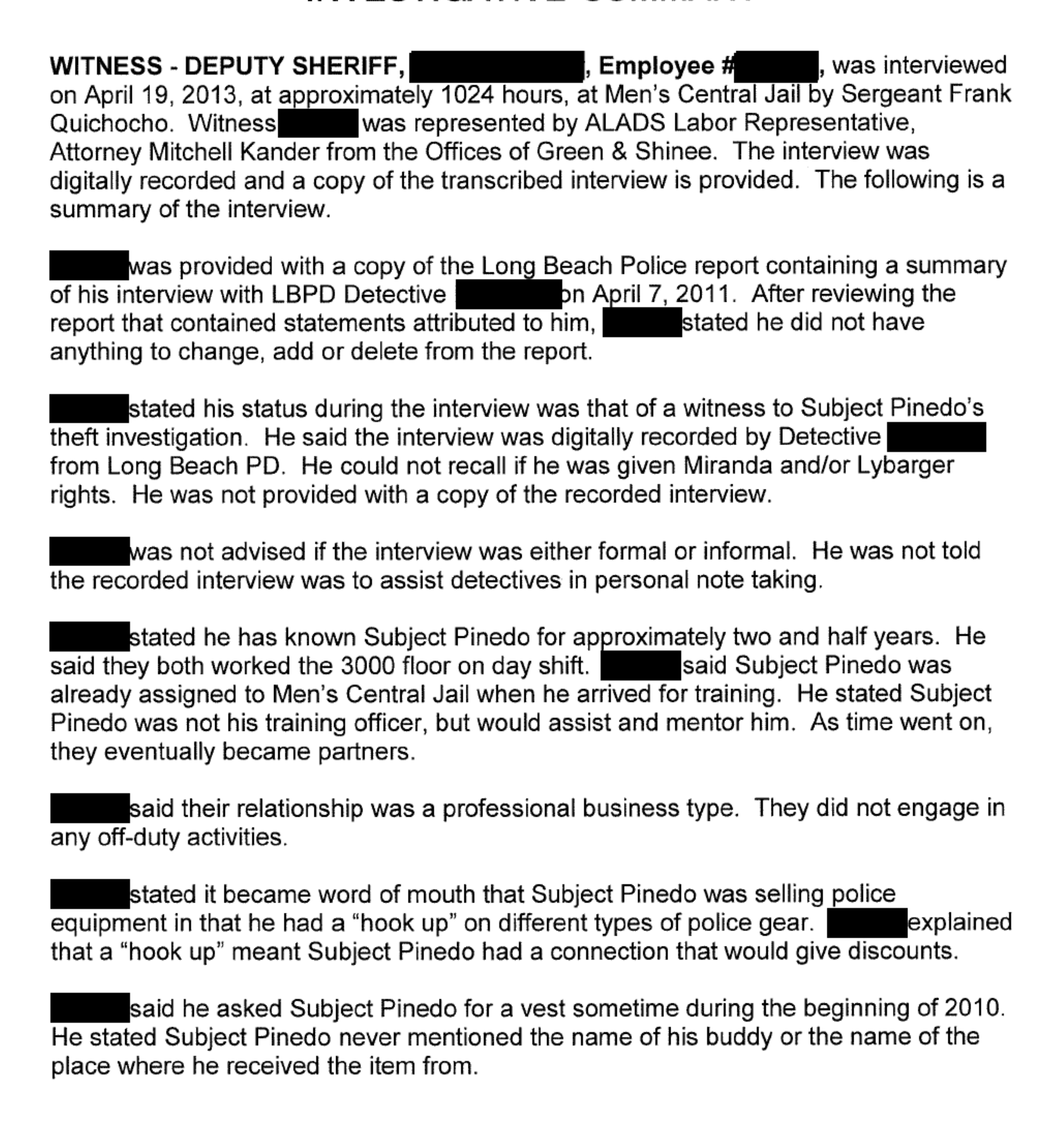
[redacted] said he paid cash for the vest, which was his preference and did not get a receipt for it. He stated the vest was brand new, but did not come in any type of packaging. He does not recall when he purchased the flashlight, but recalled he paid cash for it. He did not get a receipt for the item.

[redacted] stated the vest was retained by Long Beach PD, while the flashlight was returned to him.

[redacted] said he never met Subject Pinedo's buddy, or visit the location where the vest was sold from.

[redacted] said he was shocked to find out Subject Pinedo was being investigated for the theft of police equipment. Since he had worked with him for several years, he did not expect that from him.

IAB Note: For further details, refer to an enclosed copy of [redacted] verbatim transcripts.



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INVESTIGATIVE SUMMARY

WITNESS - DEPUTY SHERIFF, [redacted], Employee #[redacted], was interviewed on April 19, 2013, at approximately 1024 hours, at Men's Central Jail by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his interview with LBPD Detective [redacted]n April 7, 2011. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated his status during the interview was that of a witness to Subject Pinedo's theft investigation. He said the interview was digitally recorded by Detective [redacted] from Long Beach PD. He could not recall if he was given Miranda and/or Lybarger rights. He was not provided with a copy of the recorded interview.

[redacted] was not advised if the interview was either formal or informal. He was not told the recorded interview was to assist detectives in personal note taking.

[redacted] stated he has known Subject Pinedo for approximately two and half years. He said they both worked the 3000 floor on day shift. [redacted] said Subject Pinedo was already assigned to Men's Central Jail when he arrived for training. He stated Subject Pinedo was not his training officer, but would assist and mentor him. As time went on, they eventually became partners.

[redacted] said their relationship was a professional business type. They did not engage in any off-duty activities.

[redacted] stated it became word of mouth that Subject Pinedo was selling police equipment in that he had a "hook up" on different types of police gear. [redacted] explained that a "hook up" meant Subject Pinedo had a connection that would give discounts.

[redacted] said he asked Subject Pinedo for a vest sometime during the beginning of 2010. He stated Subject Pinedo never mentioned the name of his buddy or the name of the place where he received the item from.

[redacted] said he bought the vest from Subject Pinedo for around four to five hundred dollars and paid it with cash. He stated the cash payment was his preference. He did not get a receipt for the item.

[redacted] was referred to Long Beach PD's investigative report where he identified and verified the vest he surrendered was listed as item #38, on the property evidence list. He added the vest was either a blue or black ABA Extreme.

[redacted] stated the transaction for the vest occurred after work at the Men's Central Jail parking structure, where Subject Pinedo had the vest inside his truck. He said the vest was brand new inside a plastic bag.

[redacted] said he was shocked to find out Subject Pinedo was being investigated for theft of police equipment because he was like a partner, having worked with him and trusted him. At the time, [redacted] believed Subject Pinedo had a legitimate "hook up," who would give them discounts on police equipment; therefore, he had no questions to ask of Subject Pinedo.

> **IAB Note:** For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

WITNESS - DEPUTY SHERIFF, [redacted], Employee #[redacted], was interviewed on April 19, 2013, at approximately 1050 hours, at Men's Central Jail by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided with a copy of the Long Beach Police report containing a summary of her interview with LBPD Detective [redacted] on April 4, 2011. After reviewing the report that contained statements attributed to her, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated her status during the interview was that of a witness to Subject Pinedo's theft investigation. She said the interview was digitally recorded by Detective [redacted] from Long Beach PD. She could not recall if she was given Miranda and/or Lybarger rights. She was not provided with a copy of the recorded interview.

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[redacted] could not recall if the interview was either formal or informal. She was not told the recorded interview was to assist detectives in personal note taking.

[redacted] said she has known Subject Pinedo since 2006. She stated she was a custody assistant at the time, when she met and worked with Subject Pinedo on the 3000 floor of Men's Central Jail.

[redacted] described her relationship with Subject Pinedo as that of a friend. She knew his family, children and associated with him off-duty.

[redacted] said she bought a flashlight from Subject Pinedo around the time she was a deputy sheriff. She could not recall the date/time she purchased the item from him. She stated Subject Pinedo overheard a conversation she had with another individual about losing her flashlight when he told he would get one for her.

[redacted] paid one hundred dollars for the "Streamlight" flashlight in cash, which was her preference. She said the flashlight was brand new in a box, which came with a battery and charger. She added she received the flashlight within a week of asking for it.

[redacted] stated Subject Pinedo told her he had a buddy who worked in San Diego, which is where he received the flashlight from. Subject Pinedo did not mention the name of the buddy or the name of the business and/or its exact location.

[redacted] stated she never met Subject Pinedo's buddy or went to the location where he bought the item from.

[redacted] said when she first learned of Subject Pinedo's criminal allegations regarding theft of police equipment, she was mad at the investigation. She said she has known Subject Pinedo for several years and considered him a friend; therefore, [redacted] believes he is an honest, trust worthy individual, who would not place his partners in a bad position.

> **IAB Note:** For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

WITNESS - DEPUTY SHERIFF [redacted], Employee #[redacted], was interviewed on April 19, 2013, at approximately 1108 hours, at Men's Central Jail by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his telephonic interview with LBPD Detective [redacted] on May 25, 2011. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated his status during the interview was that of a witness to Subject Pinedo's theft investigation. He said the telephonic interview was digitally recorded by Detective [redacted] from Long Beach PD and it was considered a formal interview. He could not recall if he was given Miranda and/or Lybarger rights. He was not provided with a copy of the recorded interview. He was not told the recorded interview was to assist detectives in personal note taking.

[redacted] said he met Subject Pinedo sometime in 2005. He stated they worked on the 3000 floor at Men's Central Jail and considered Subject Pinedo a co-worker. They did not associate while off-duty.

[redacted] stated he bought a gun light and holster from Subject Pinedo sometime before 2011. He said he purchased both of the items for approximately three hundred fifty dollars.

> **IAB Note:** The September 22, 2010, theft incident at Long Beach Uniform store consisted of a stolen holster that matched the holster Deputy [redacted] purchased from Subject Pinedo. Refer to photographs of holster taken by LBPD; Page 16 of 19.

[redacted] stated Subject Pinedo mentioned he had a buddy who worked at a uniform shop who would sell police equipment at cost. The name of the buddy or the shop was never mentioned. [redacted] said he never met Subject Pinedo's buddy or went to the uniform store.

[redacted] said Subject Pinedo only spoke about receiving the police equipment at a discount and not having to pay for the retail price for the items.

[redacted] stated he received the holster in a plastic bag. The gun light came in a ziplock plastic baggie. He added the plastic holster bag contained a sticker that matched the model number of the holster. He stated the printed label(s) on the plastic bag did not indicate which store the item was purchased from.

[redacted] stated he paid cash for both items. He stated he asked Subject Pinedo for a receipt, but Subject Pinedo told him he forgot to get one.

[redacted] said the holster and gun light were brand new when he received them from Subject Pinedo, which was approximately a week and a half after he had asked for it.

[redacted] said he gave Subject Pinedo cash a week prior to receiving the items. He stated he received the items while on-duty in the locker room at Men's Central Jail.

[redacted] stated he was shocked and surprised when he learned Subject Pinedo was being investigated for theft of police equipment.

> <u>**IAB Note:**</u> For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

WITNESS - DEPUTY SHERIFF, [redacted], Employee #[redacted], was interviewed on April 19, 2013, at approximately 1127 hours, at Men's Central Jail by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his interview with LBPD Detective [redacted] on April 4, 2011. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated his status during the interview was that of a witness to Subject Pinedo's theft investigation. He said the interview was digitally recorded by Detective [redacted] from Long Beach PD at Men's Central Jail. He could not recall if he was given Miranda and/or Lybarger rights. [redacted] said he was not provided with a copy of the recorded interview. He could not recall if the interview was for formal or informal purposes. He was not told the recorded interview was to assist detectives in personal note taking.

[redacted] state he has known Subject Pinedo since 2007. He described their relationship as co-workers and strictly work related. They did not engage in any off-duty activities.

[redacted] stated he purchased a bullet-proof vest and "Streamlight" laser combo from Subject Pinedo.

In late 2007 and/or early 2008, [redacted] said he purchased the vest from Subject Pinedo. While in the locker room, [redacted] stated Subject Pinedo told him he had an extra vest that did not fit him. [redacted] said he tried the vest on and it fit him; therefore, he bought it.

[redacted] was referred to Long Beach PD's investigative report where he identified and verified the vest he surrendered was listed as item #45; ABA Extreme on the property evidence list.

[redacted] said he purchased the vest for five hundred dollars. He believed it was a good deal at the time.

[redacted] stated he purchased the "Streamlight" gun laser combo in late 2008, for one hundred eighty dollars. He believed he received a good deal for the item.

[redacted] said Subject Pinedo mentioned he had a friend at a shop in Oceanside who sold police equipment.

[redacted] stated he never met the friend and/or visited the shop in Oceanside or was told the name of the shop.

[redacted] stated he paid cash for both items.

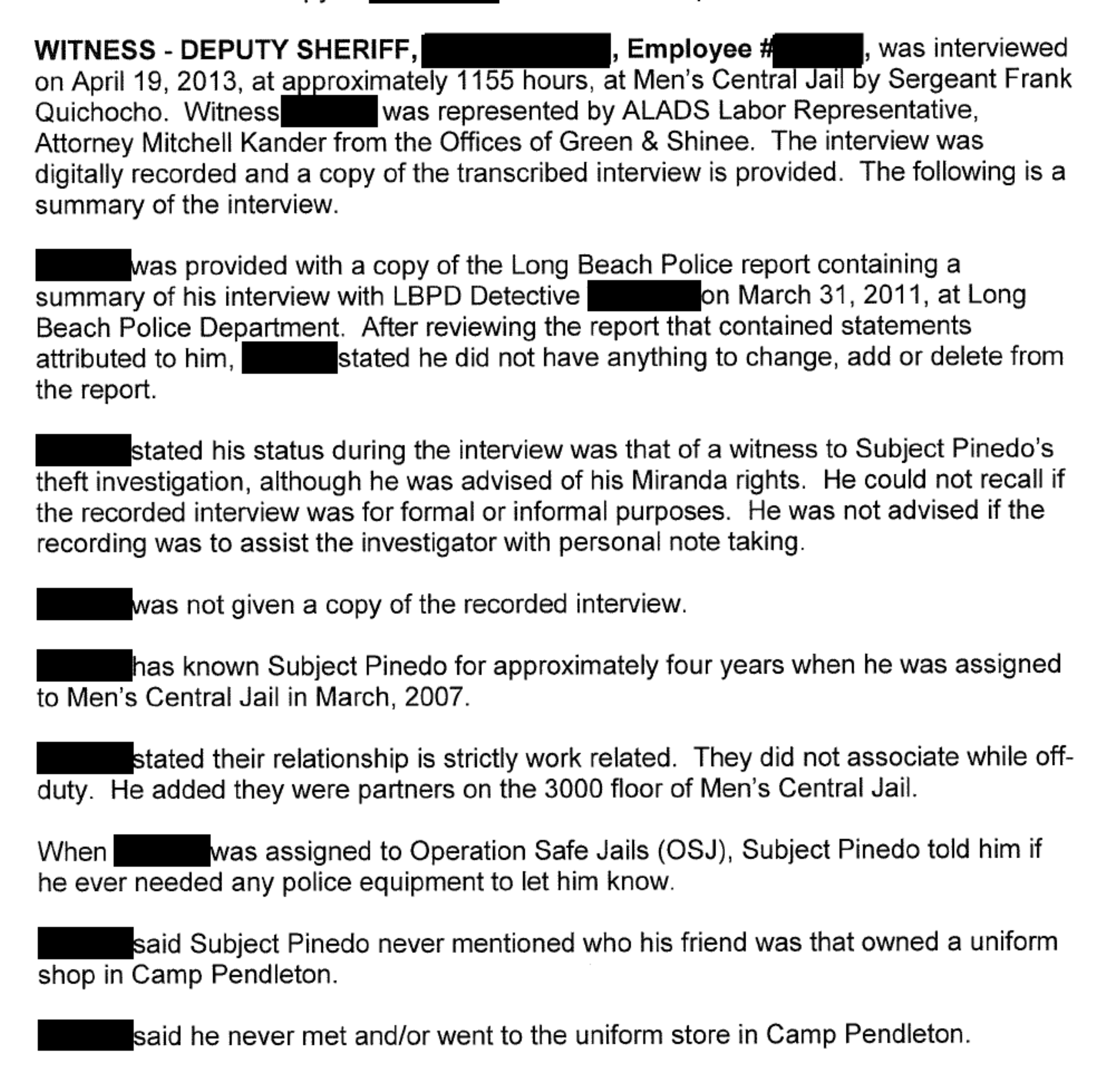
[redacted] believed both items were used and not brand new. He received the vest the next day after paying for it and received the gun light a week later.

[redacted] stated he was surprised to learn Subject Pinedo was the focus of a criminal investigation for theft of police equipment. He did not know what to believe at the time.

[redacted] said he did not know Subject Pinedo was stealing police equipment.

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY



IAB Note: For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

WITNESS - DEPUTY SHERIFF, [redacted], Employee #[redacted], was interviewed on April 19, 2013, at approximately 1155 hours, at Men's Central Jail by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his interview with LBPD Detective [redacted] on March 31, 2011, at Long Beach Police Department. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated his status during the interview was that of a witness to Subject Pinedo's theft investigation, although he was advised of his Miranda rights. He could not recall if the recorded interview was for formal or informal purposes. He was not advised if the recording was to assist the investigator with personal note taking.

[redacted] was not given a copy of the recorded interview.

[redacted] has known Subject Pinedo for approximately four years when he was assigned to Men's Central Jail in March, 2007.

[redacted] stated their relationship is strictly work related. They did not associate while off-duty. He added they were partners on the 3000 floor of Men's Central Jail.

When [redacted] was assigned to Operation Safe Jails (OSJ), Subject Pinedo told him if he ever needed any police equipment to let him know.

[redacted] said Subject Pinedo never mentioned who his friend was that owned a uniform shop in Camp Pendleton.

[redacted] said he never met and/or went to the uniform store in Camp Pendleton.

[redacted] stated he bought a vest and drop down holster from Subject Pinedo. He said he bought the items separately. He paid four hundred fifty dollars for the vest and approximately one hundred dollars for the drop down holster. He purchased the items in cash, but did not get a receipt for the items.

[redacted] was referred to Long Beach PD's investigative report where he identified and verified the vest he surrendered was listed as item #37; a ballistic vest; ABA Safariland; on the property evidence list.

[redacted] stated the vest was brand new, but was not packaged. He believed the vest was a good deal since he was told it was normally worth approximately six hundred dollars.

[redacted] stated the drop down holster was also brand new, but was not packaged. He believed it was a good deal.

[redacted] stated he purchased the vest before he was assigned to OSJ, which was before September, 2010. The drop down holster was purchased after the vest.

[redacted] said he received the item a couple of days after he had discussed it with Subject Pinedo. He paid Subject Pinedo after he received the vest.

[redacted] could not recall where the transaction for the vest occurred at. He said received the drop down holster while on-duty at the locker room.

[redacted] stated he was surprised to learn Subject Pinedo was being investigated for the theft of police equipment.

> **IAB Note:** For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

WITNESS - DEPUTY SHERIFF [redacted], Employee # [redacted], was interviewed on April 19, 2013, at approximately 1155 hours, at Men's Central Jail by Sergeant Frank Quichocho. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

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INVESTIGATIVE SUMMARY

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his interview with LBPD Detective [redacted] on April 14, 2011, at Men's Central Jail. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] could not recall if he was digitally recorded during his interview with Long Beach detectives or if he was advised of his Miranda and/or Lybarger rights.

[redacted] stated he has known Subject Pinedo for approximately three years. He stated they have a working relationship only.

[redacted] stated he purchased an extension holster from Subject Pinedo for approximately seventy dollars. He added he believed it was good deal and/or discount at the time.

[redacted] said Subject Pinedo never mentioned the name of the individual and/or the name of the business where he (Pinedo) received the extension holster. He neither met the individual nor went to the location of the business.

[redacted] stated he surrendered the extension holster to Long Beach PD; however, he does not recall if it was ever returned to him.

[redacted] stated it took Subject Pinedo approximately two months to get the extension holster for him. He paid cash for the item, but did not get a receipt for it. He stated the item was brand new when he received it from Subject Pinedo, but could not recall if it was packaged.

[redacted] said he was surprised to learn Subject Pinedo was being investigated for theft of police property. He stated there are always two sides to a story.

> **IAB Note:** For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

WITNESS - DEPUTY SHERIFF, [redacted], Employee # [redacted], was interviewed on May 7, 2013, at approximately 1433 hours, at Internal Affairs Bureau by Sergeants Frank Quichocho and Louis Vigil. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his interview with LBPD Detective [redacted] on April 14, 2011, at Men's Central Jail. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated he could not recall if he was recorded during his interview with Long Beach Police detectives. He does not recall if he was advised of either Miranda or Lybarger rights.

[redacted] said he has known Subject Pinedo for approximately a year. He stated he has a working relationship with him.

[redacted] stated Subject Pinedo told him he knew somebody who received police equipment at wholesale price and would sell it to him (Pinedo) at cost.

[redacted] said Subject Pinedo did not discuss where he received the police equipment from or the name of the person he received it from.

[redacted] stated he bought a brand new gun belt from Subject Pinedo. He added the gun belt was already assembled when he received it from Subject Pinedo. He surrendered the gun belt to Long Beach Police detectives however; it was eventually returned to him.

[redacted] said he paid cash for the gun belt, but did not receive a receipt for it. He stated he received the gun belt from Subject Pinedo approximately three to four weeks after he had asked for it.

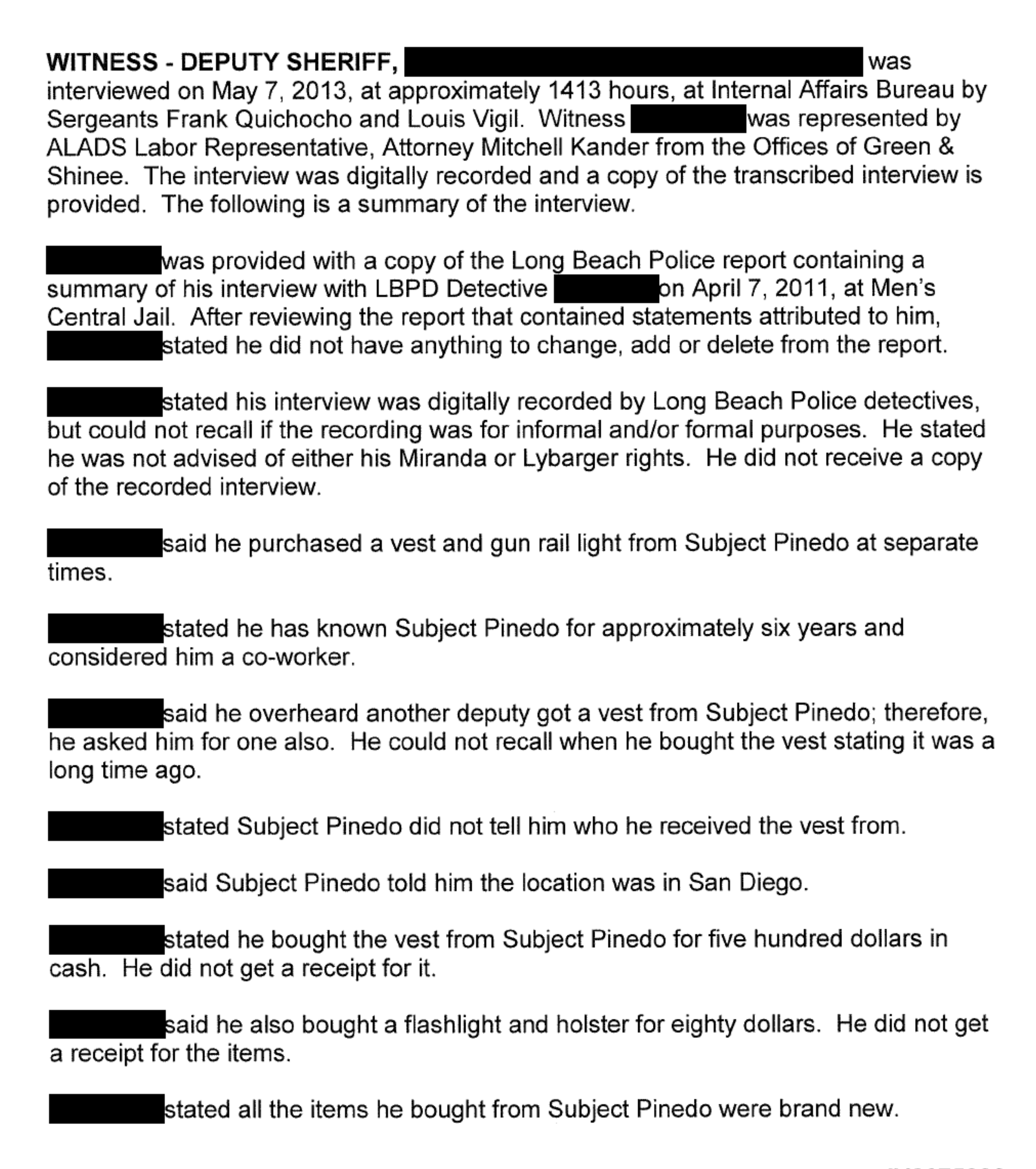
[redacted] stated he bought the gun belt while on-duty at Men's Central Jail. He said Subject Pinedo did not tell him why he sold police equipment. He did not know the location of where the police items were sold.

[redacted] said he was in shock when he learned Subject Pinedo was being investigated for theft of police equipment.

> **IAB Note:** For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY



WITNESS - DEPUTY SHERIFF, [redacted] was interviewed on May 7, 2013, at approximately 1413 hours, at Internal Affairs Bureau by Sergeants Frank Quichocho and Louis Vigil. Witness [redacted] was represented by ALADS Labor Representative, Attorney Mitchell Kander from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

[redacted] was provided with a copy of the Long Beach Police report containing a summary of his interview with LBPD Detective [redacted] on April 7, 2011, at Men's Central Jail. After reviewing the report that contained statements attributed to him, [redacted] stated he did not have anything to change, add or delete from the report.

[redacted] stated his interview was digitally recorded by Long Beach Police detectives, but could not recall if the recording was for informal and/or formal purposes. He stated he was not advised of either his Miranda or Lybarger rights. He did not receive a copy of the recorded interview.

[redacted] said he purchased a vest and gun rail light from Subject Pinedo at separate times.

[redacted] stated he has known Subject Pinedo for approximately six years and considered him a co-worker.

[redacted] said he overheard another deputy got a vest from Subject Pinedo; therefore, he asked him for one also. He could not recall when he bought the vest stating it was a long time ago.

[redacted] stated Subject Pinedo did not tell him who he received the vest from.

[redacted] said Subject Pinedo told him the location was in San Diego.

[redacted] stated he bought the vest from Subject Pinedo for five hundred dollars in cash. He did not get a receipt for it.

[redacted] said he also bought a flashlight and holster for eighty dollars. He did not get a receipt for the items.

[redacted] stated all the items he bought from Subject Pinedo were brand new.

[redacted] said he paid Subject Pinedo first, and then received the items.

[redacted] believed he got a good deal for the purchase of the vest due to it being a better grade vest. He stated five hundred dollars was not expensive for a Level III type vest.

[redacted] said he surrendered the all the items to Long Beach Police detectives. The flashlight, holster and gun rail light were returned to him, but not the vest.

[redacted] stated the holster was still in its plastic packaging. He added the holster was a basket weave that accommodated the gun rail light.

[redacted] said he was upset when he learned Subject Pinedo was being investigated for theft of police equipment.

> **IAB Note:** For further details, refer to an enclosed copy of [redacted] verbatim transcripts.

Deputy [redacted], Employee #[redacted], was not interviewed due to an unforeseen emergency family medical leave.

Deputy [redacted], Employee #[redacted], was not interviewed due to being terminated on different matter.

Administrative follow-up:

On April 24, 2013, Store Manager [redacted] at [redacted] in Vista, CA., verified the only purchase on record for Subject Pinedo prior to September 22, 2010, was for a belt on 12/23/2009, which was returned on 2/1/2010.

On April 25, 2013, Safariland - Customer Service Representative [redacted] confirmed she was the contact person for Long Beach Police Department's criminal investigation. She verified the information she provided to LBPD concerning the distribution of the vests listed on the property evidence list was accurate.

[redacted] stated the vests recovered by LBPD were originally distributed from Safariland manufacturing to Long Beach Uniform store and Galls Uniform store – City of Orange according to the purchase order invoices.

IAB Note: For further details, refer to **Exhibit F** for a copy of the invoices.

[redacted] said phased out, obsolete, discontinued and older model ballistic vests from Safariland Manufacturing are sent to only one distributor in the nation named, World Wide Tactical, located in Florida. She provided an email address of [redacted] for further information.

[redacted] stated the toll free number: 1-800-347-1200, listed inside the interior of the ballistic vest paneling is the customer service phone number for Safariland Manufacturing in Florida; however, it is answered by the Southern California Safariland customer service office located in Ontario, CA. She handles all inquiries regarding ballistic vests and could not recall if Subject Pinedo contacted her via the toll free number to inquire about the vests in question.

On April 25, 2013, World Wide Tactical [redacted], [redacted] called IAB investigators and stated they have no idea if the company received the set of vests in question for redistribution and/or resale. He added the only distribution company in the west coast they have dealt with in the past was Security Pro USA (1-800-264-8273), located somewhere in Los Angeles. He stated they have not conducted any business with them for over six years.

On April 25, 2013, IAB investigators called Security Pro USA, who stated they are located at 10530 Venice Blvd., Suite 200, Los Angeles, CA. Toll free: (800) 264- 8273; Telephone: (310) 475-7780. Their only warehouse is located in Culver City. A check of records did not reveal any information regarding the vests in question.

Efforts to contact [redacted] during the administrative investigation met with negative results. He initially appeared receptive to an interview during the week of April 28, 2013; however, he has avoided any further contact with IAB investigators.

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SUBJECT INTERVIEW

SUBJECT - DEPUTY SHERIFF, Mario Pinedo, Employee [redacted], was interviewed on April 24, 2013, at approximately 1600 hours, at Internal Affairs Bureau by Sergeant Frank Quichocho and Lieutenant Reinhardt Schuerger of Internal Investigations Division. Subject Pinedo was represented by ALADS Labor Representative, Attorney Alfonso Estrada from the Offices of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

Subject Pinedo acknowledged a Long Beach Police Department criminal investigation which named him as a suspect in a Commercial Burglary; and/or Shoplifting; and/or Theft of police equipment from Long Beach Uniform store located at 2789 Long Beach Blvd., City of Long Beach, CA., on September 22, 2010, and dates prior to, including the Gall's Uniform store located at 1249 Katella Avenue, City of Orange, CA.

> **IAB Note:** The Long Beach Police report is listed under DR#10-67943. The Los Angeles Sheriff's Department courtesy report is listed under URN #910-01090-5199-065.

Subject Pinedo understood at the conclusion of the Long Beach PD criminal investigation that seven (7) felony counts were filed against him by the Los Angeles District Attorney's office; Justice System Integrity Division (JSID); at the Los Angeles Superior Court under case number: BA387787. The felony counts were for Count 1: Grand Theft Property, 487(a) P.C., Count 2: Receiving Known Stolen Property, 496(a) P.C., and Counts 3 – 7: Commercial Burglary, 459 P.C.

Subject Pinedo agreed that subsequent to his misdemeanor plea of Nolo Contendere to 485 P.C., Theft of Lost Property, in which the court found him guilty and convicted him; a plea agreement under People v. Pinedo was accepted by the court under case #BA387787, on June 4, 2012.

> **IAB Note:** For further details, refer to **Exhibit B**, for a copy of the plea agreement.
>
> Refer to **Exhibit A**, for a copy of the certified court minutes, dated, 6/4/2012, and 7/11/2012.

Subject Pinedo paid Galls - Long Beach Uniform store the amount of $10,600.00, in two separate cashier's checks in the amount of $5,300.00, in addition to completing over 200 hours of community service. He is not on any type of probationary status.

IAB Note: Refer to **Misc. Exhibit** for a copy of the checks.

The plea agreement was read into the record, which reflected Subject Pinedo's fulfillment of the agreement on July 7, 2012, at which time, all seven felony counts were dismissed against him, including the misdemeanor count.

Subject Pinedo recalled the September 22, 2010, incident at Long Beach Uniform store. He stated he walked into the store to order a name plate and pick up a uniform shirt(s). When he entered the store, he greeted the store cashier; described as a female, mid 30's to early 40's, whom he knew over the last couple of years.

After he had greeted the female cashier, Subject Pinedo said he made his way back toward the uniform counter to order the name plate and to pick up his uniform shirts.

While Subject Pinedo waited for his name plate, he saw Sergeant Eric Gonzalez, whom he recognized as a supervisor at Men's Central Jail and introduced himself. He said as he walked toward Sergeant Gonzalez's location, he placed the items he had walked into the store with on a counter. After a minute of introduction with Sergeant Gonzalez, Subject Pinedo said he picked up the items from the counter and walked toward the equipment area. He added he looked for a specific adaptor that placed a drop on the holster meaning a holster extension.

As he shopped for the extension holster, Subject Pinedo stated the assistant manager ([redacted]approached and handed him the name plate he had ordered.

Subject Pinedo said since the store did not have the extension holster he was looking for, he started to walk out of the store through the front door.

Subject Pinedo stated the young lady (Witness [redacted]who alleged he stole something was behind the front cash register asked, "Are you going to pay for that?" Subject Pinedo replied, "No, it's mine, I walked in with it. You can ask the young lady who I spoke with on the way in."

Subject Pinedo said [redacted]comment was in reference to the holster he carried in his hand.

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At this time, Subject Pinedo stated the store manager [redacted] walked out of his office and greeted him. Subject Pinedo said [redacted] asked him if he could help him find anything, at which time they both walked over to a wall display. He said [redacted] then offered to order the item since the store did not have the item. Subject Pinedo refused the offer stating he often visits the store.

Subject Pinedo explained he had placed the holster down on the glass display case by the holster display, when [redacted] approached [redacted] and whispered something in his ear. He then asked [redacted] what was going on, as it appeared something was not right. [redacted] replied, "No. No. Not a big deal. Don't worry about it." Subject Pinedo said he asked [redacted] if he had any other questions when [redacted] stated, "No." Subject Pinedo then left the store with the holster, uniforms, and name plate.

Subject Pinedo could not recall what time he entered the store. He stated he visits the store at least once a week. He said he was by himself on September 22, 2010.

Subject Pinedo explained he went to Long Beach Uniform the store to look for an extension holster, order a name plate and pick up a one Class A uniform shirt. When he first walked into the store, Subject Pinedo said he went toward the rear of the store and ordered a name plate, then picked up his uniform shirt. He stated he entered the store with a Safariland holster and described it as the model that holds the Beretta 92F with X300 gun light.

Subject Pinedo said the holster was not packaged when he brought it into the store. He did not know which hand he held it in. He stated there were no security type tags, and/or advertising/marketing type plastic ties secured/attached to the thumb break of the holster.

Subject Pinedo stated the holster was worn since it was previously attached to his duty Sam Browne belt. He said he removed the holster from his duty belt and brought it into the store. He did not know when he purchased it and could not recall how long he owned it.

> **IAB Note:** During [redacted] LBPD interview on 10/6/2010, he stated the holster appeared to be brand new and did not have wear marks on it from having a gun placed inside of it.

Subject Pinedo said he purchased the holster from either the Galls Uniform store in Long Beach or Uniforms Specialist in Vista. He could not recall if he paid cash or credit for the holster.

> **<u>IAB Note:</u>** During the LASD and LBPD criminal investigation, both [redacted] and [redacted] stated Subject Pinedo entered the store without the holster. During the preliminary hearing, [redacted] testified when she called out Subject Pinedo regarding the purchase of the holster, while he was on the way out of the store, he replied he received it as a birthday gift.
>
> For further details, refer to page 2 and 3 of LBPD's supplement report #0001 ([redacted] interview), along with [redacted] preliminary transcripts on page 25 and 26.

Subject Pinedo said his conversation with Sergeant Gonzalez lasted for a couple of minutes. He stated prior to contacting Sergeant Gonzalez, he set the holster down on a glass display case immediately to his right and approximately a foot away.

Subject Pinedo stated he does not recall either one of the store clerks by name when he came in contact with them on September 22, 2010.

Subject Pinedo said when he entered the store, he held the holster in his hands. He could not recall which hand he held it in. He said the holster was exposed.

During his contact with the [redacted] Subject Pinedo said [redacted] did not discuss anything related with him removing the holster from the shelf. He added [redacted] did not speak to him about the holster he had in his possession matching the model number of the empty holster case found hidden behind other holsters on the shelf.

> **<u>IAB Note:</u>** During the LASD interview, [redacted] stated she saw Subject Pinedo take a holster case from the display shelf, then remove the holster from the case and subsequently place the empty case behind another holster case on the shelf.

Subject Pinedo stated he has visited Long Beach Uniform several times in the past and has brought other police equipment into the store. He said the items he brought into the store have never been tagged at the cash register. He added on several occasions he would jokingly mention he had brought his own stuff into the store.

Subject Pinedo said although the adapter (extension holster) was the standard generic type, he wanted it to fit the holster properly; therefore, he brought the holster into the store. He explained the adapter was also located in the same area and/or wall where the holsters were on display. He added he did not remove any of the holsters off of the display wall while he was shopping for an adapter. He stated he did not notice if the holsters on the display had advertising/marketing tags attached to them.

Subject Pinedo stated he did not remove any holsters from its packaging on September 22, 2010, at the Long Beach Uniform store.

Subject Pinedo said he walked out of the store carrying his uniform shirt on a hanger in a plastic bag.

> **IAB Note:** During the LASD and LPBD investigation, [redacted] and Sergeant Gonzalez stated they both saw Subject Pinedo walking out of the store with a uniform shirt draped over his arm concealing the holster.

Subject Pinedo stated at no one time did the [redacted] ever question him regarding how he received the holster.

Subject Pinedo said at no point in time did the [redacted] ever mention to him that the model numbers on the holster matched the model numbers on the empty plastic holster case he retrieved from behind a set of other holsters.

Subject Pinedo stated Long Beach PD recovered receipts for his purchase of police equipment.

> **IAB Note:** Upon review of Long Beach PD's criminal investigative report there were no receipts to indicate a purchase of any holster(s) from any police equipment store.

Subject Pinedo said he had a business relationship with the [redacted] and nothing more than that.

Further clarification was made during the interview regarding the holster recovered from Subject Pinedo's locker on 10/13/2010, at 1030 hours, listed under item #24, of LBPD's property report. The model number of the holster in Subject Pinedo's locker (6280-73421) did not match the model number of the holster (6285-73421 - corrected) as listed in Sergeant Gonzalez's original LASD report.

> **IAB Note:** Refer to LASD report (S:1:1) incorporated on page 6 of LBPD's supplement report number: ORIG, in relation to the corrected model number noted in LBPD's supplement report number: 0001, page 2.

Subject Pinedo said he was right handed.

> **IAB Note:** The holster recovered from Witness Deputy [redacted] was right handed and matched the model holster number (6285-73421) that was reported stolen. Deputy [redacted] stated in his IAB interview he purchased the holster from Subject Pinedo sometime before 2011.

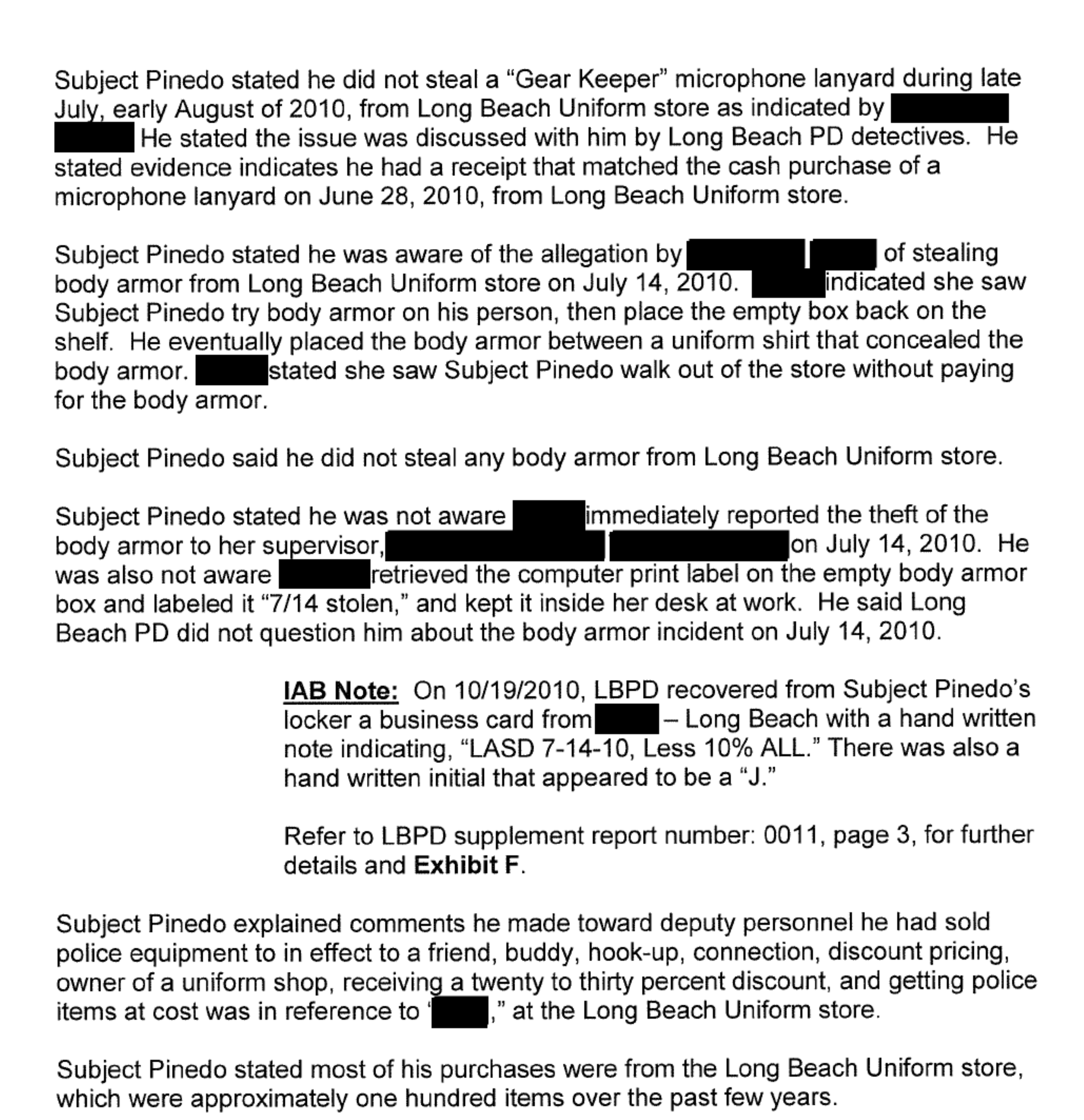
Subject Pinedo stated the allegation by store clerk [redacted] regarding the theft of the gun light did not occur. He said he handed the item back to an older, white gentleman named, [redacted]. According to Subject Pinedo, [redacted] is an employee at the store, who is considered the equipment guru. Subject Pinedo stated he never mentioned [redacted] to Long Beach PD detectives because the interview never came to that point. He stated Long Beach PD detectives never asked him anything related to the Model X300 gun light.

Subject Pinedo said [redacted] did not hand him a Surefire X300 gun light to show to his friend on the last week of May, 2010. He stated he did not walk out of the Long Beach Uniform store with the Surefire X300 gun light and never returned it.

Subject Pinedo stated he did not steal a gun light rail attachment during June, 2010, from Long Beach Uniform store as indicated by [redacted].

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Subject Pinedo stated he did not steal a "Gear Keeper" microphone lanyard during late July, early August of 2010, from Long Beach Uniform store as indicated by [redacted] He stated the issue was discussed with him by Long Beach PD detectives. He stated evidence indicates he had a receipt that matched the cash purchase of a microphone lanyard on June 28, 2010, from Long Beach Uniform store.

Subject Pinedo stated he was aware of the allegation by [redacted] of stealing body armor from Long Beach Uniform store on July 14, 2010. [redacted] indicated she saw Subject Pinedo try body armor on his person, then place the empty box back on the shelf. He eventually placed the body armor between a uniform shirt that concealed the body armor. [redacted] stated she saw Subject Pinedo walk out of the store without paying for the body armor.

Subject Pinedo said he did not steal any body armor from Long Beach Uniform store.

Subject Pinedo stated he was not aware [redacted] immediately reported the theft of the body armor to her supervisor, [redacted] on July 14, 2010. He was also not aware [redacted] retrieved the computer print label on the empty body armor box and labeled it "7/14 stolen," and kept it inside her desk at work. He said Long Beach PD did not question him about the body armor incident on July 14, 2010.

> **IAB Note:** On 10/19/2010, LBPD recovered from Subject Pinedo's locker a business card from [redacted] – Long Beach with a hand written note indicating, "LASD 7-14-10, Less 10% ALL." There was also a hand written initial that appeared to be a "J."
>
> Refer to LBPD supplement report number: 0011, page 3, for further details and **Exhibit F**.

Subject Pinedo explained comments he made toward deputy personnel he had sold police equipment to in effect to a friend, buddy, hook-up, connection, discount pricing, owner of a uniform shop, receiving a twenty to thirty percent discount, and getting police items at cost was in reference to "[redacted]," at the Long Beach Uniform store.

Subject Pinedo stated most of his purchases were from the Long Beach Uniform store, which were approximately one hundred items over the past few years.

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Subject Pinedo stated he bought two holsters over a period of time; however, he could not recall the date or which store he purchased the holsters from.

The uniform store Subject Pinedo mentioned to deputy personnel was the Vista uniform store, aka Uniform Specialists. He said his contact person there was [redacted].

> **IAB Note:** LBPD contacted Uniform Specialists in Vista and confirmed through their records the only item(s) purchased by Subject Pinedo was a belt on 12/23/2009, which was returned on 2/1/2011.
>
> IAB contacted [redacted] on 4/22/2013, and confirmed the information.

Subject Pinedo stated his friend who worked at the shipping and/or distribution company/warehouse was in reference to an individual named, [redacted] He said [redacted] bought items that were either damaged in transit or manufactured slightly imperfect for a discounted price. He said [redacted] eventually sold the items at a discounted price.

Subject Pinedo said he bought police items from [redacted] He stated [redacted] name and number was inside his locker on a yellow Post-it note. He added he had no idea if LBPD detectives were aware of the Post-it note information.

Subject Pinedo stated he was provided with a copy of inventoried items seized from the search (search warrant) of his locker, residence, vehicles and parent's home, but the Post-it note information for [redacted] was not listed.

> **IAB Note:** On 5/2/2013, Subject Pinedo was allowed to gain access to his locker [redacted] at Men's Central Jail in order to search for the Post-it note.
>
> ALADS Attorney Alphonso Estrada, MCJ Operations Sergeant George Hosac, Deputy Reginald Franklin and IAB investigators were present. The note could not be located.

Subject Pinedo stated his comment to deputy personnel regarding the purchase of police items from Camp Pendleton, San Diego and Oceanside were all in reference to the store, named, Uniforms Specialist in Vista, CA.

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Subject Pinedo was referred to his statement in his interview with LBPD that concerned a vest he said he purchased from a Marine Corps friend, named, [redacted] He said he never told Long Beach detectives he purchased a vest or any police items from [redacted] He stated [redacted] was a Corporal and was his supervisor in the Marine Corps.

> **IAB Note:** On LBPD supplementary report number: 0011; Page 2; Subject Pinedo told LBPD detectives he purchased his own personal vest (tan) from [redacted] for a couple hundred dollars.
>
> On LBPD supplementary report number: 0004, LBPD detectives interviewed [redacted] on 10/18/2010. LBPD confirmed [redacted] has known Subject Pinedo since 2003, while they worked together in the Marine Corps. [redacted] stated he did not sell any ballistic vests and/or police items to Subject Pinedo.

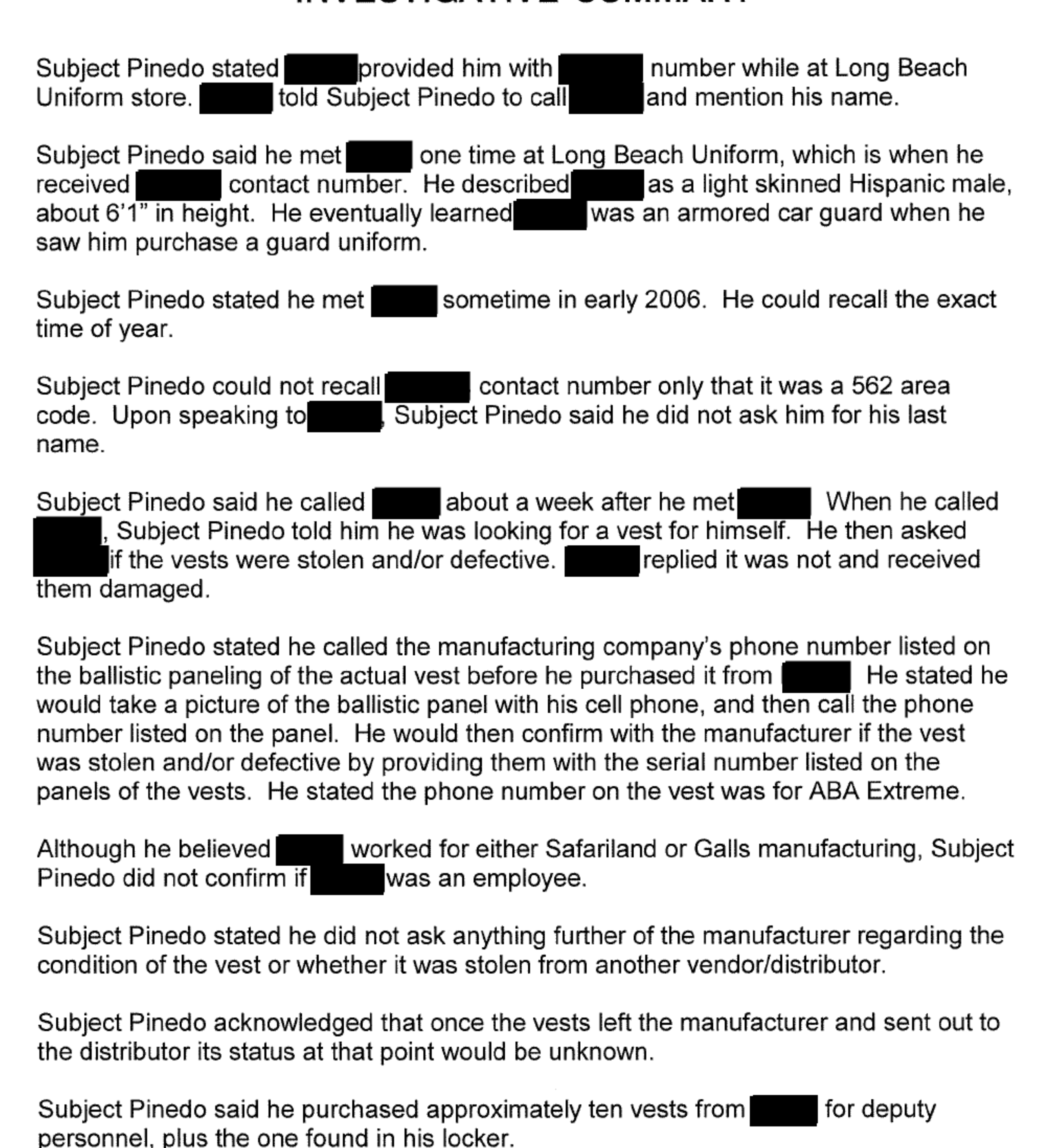
At Uniforms Specialist in Vista, Subject Pinedo stated he purchased his initial gear for the academy, his first set of boots, and eventually a drop down holster (extension).

> **IAB Note:** LBPD contacted Uniform Specialists in Vista and confirmed through their records the only item(s) purchased by Subject Pinedo was a belt on 12/23/2009, which was returned on 2/1/2011, and a pair of socks sometime in 2011.

Subject Pinedo stated he would first receive cash from deputy personnel prior to purchasing police items at a discount from either Long Beach Uniform store, Uniforms Specialist or from [redacted]. He said the turnaround time would be about a week to two weeks.

Subject Pinedo said [redacted] worked for shipping and receiving company. He was not sure if he worked for Safariland or Galls manufacturing company. He stated he was introduced to [redacted] through an individual named, [redacted] whom he met at Long Beach Uniform store. He initially thought [redacted] was a deputy sheriff since he bought police leather gear. He stated [redacted] provided him with a contact number for [redacted], who in turn could get police equipment at a fairly discounted price. He added [redacted] told him [redacted] was the individual that handles the shipping and receiving for the company.

Subject Pinedo said [redacted] purchased vests that had been damaged in transit, cut wrong or could not be sold.



Subject Pinedo stated [redacted] provided him with [redacted] number while at Long Beach Uniform store. [redacted] told Subject Pinedo to call [redacted] and mention his name.

Subject Pinedo said he met [redacted] one time at Long Beach Uniform, which is when he received [redacted] contact number. He described [redacted] as a light skinned Hispanic male, about 6'1" in height. He eventually learned [redacted] was an armored car guard when he saw him purchase a guard uniform.

Subject Pinedo stated he met [redacted] sometime in early 2006. He could recall the exact time of year.

Subject Pinedo could not recall [redacted] contact number only that it was a 562 area code. Upon speaking to [redacted], Subject Pinedo said he did not ask him for his last name.

Subject Pinedo said he called [redacted] about a week after he met [redacted] When he called [redacted], Subject Pinedo told him he was looking for a vest for himself. He then asked [redacted] if the vests were stolen and/or defective. [redacted] replied it was not and received them damaged.

Subject Pinedo stated he called the manufacturing company's phone number listed on the ballistic paneling of the actual vest before he purchased it from [redacted] He stated he would take a picture of the ballistic panel with his cell phone, and then call the phone number listed on the panel. He would then confirm with the manufacturer if the vest was stolen and/or defective by providing them with the serial number listed on the panels of the vests. He stated the phone number on the vest was for ABA Extreme.

Although he believed [redacted] worked for either Safariland or Galls manufacturing, Subject Pinedo did not confirm if [redacted] was an employee.

Subject Pinedo stated he did not ask anything further of the manufacturer regarding the condition of the vest or whether it was stolen from another vendor/distributor.

Subject Pinedo acknowledged that once the vests left the manufacturer and sent out to the distributor its status at that point would be unknown.

Subject Pinedo said he purchased approximately ten vests from [redacted] for deputy personnel, plus the one found in his locker.

Subject Pinedo stated he called the manufacturer and verified half of the vests were not stolen. He did not call and verify the other half of the vests he purchased from [redacted]. He could not indicate which vests he had called to inquire about.

Subject Pinedo explained he would meet [redacted] outside of his employer's place of business, which was at an enormous industrial complex somewhere in Paramount Boulevard close to the 105 freeway south of Rosecrans Avenue. He stated [redacted] would meet him in the parking lot during his [redacted]) break at 2:15 in the afternoon. Subject Pinedo was not sure if ABA manufacturing was located in the business complex. He said he did not see any signs related to ABA manufacturing.

Subject Pinedo had no idea where [redacted] worked at in relation to the industrial complex. He could not state if [redacted] worked at an ABA factory at the location and/or if ABA shipped vests to a business at the industrial complex.

Subject Pinedo stated the phone number listed on the panel of the vest was a customer service number. He said there was never a specific person when he called. He stated he also "goggled" ABA and the internet came up with a 1-800 number.

Subject Pinedo stated the following on Page 61 of his transcripts:

Pinedo: No, if someone wanted a vest, let's say for example [redacted] wanted a vest.

Quichocho: Right.

Pinedo: And I would call this guy, "Hey dude, I got a buddy of mine and he's about whatever, six feet, two hundred and twenty pounds. You know, do you have something or could you, you know, in the future get something or hold it for me?", "Oh yeah, sure. I don't have anything. Check back with me in a few weeks or a month (inaudible)." I'd meet this guy, I'd say, "Hey dude, it's going to fit?", "Yeah probably, more than likely.", "Okay cool." I'd take it with me, I'd say, "Hey, you got my contact information, you know where I work. If it works, I'll bring it back tomorrow.", "Cool, good enough." I'd call him and say, "Dude, it did work." or, "Hey, it did not work." And that's how. I would never take the money from these guys in advance and go purchase it and hopefully it would fit.

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Subject Pinedo stated would meet [redacted] at his vehicle in a parking lot at Paramount and Rosecrans just south of the 105 freeway on the east side of the side of the street.

Subject Pinedo said he felt uncomfortable at first when he was about to conduct the vest transactions with [redacted] at an industrial complex, in [redacted], while in the parking lot of the location. However, when he called and verified from the manufacturer that the vests were not stolen and/or defective, in addition to doing some online research, which revealed the online price was comparable, he figured it was okay.

Subject Pinedo said he never asked [redacted] to take him into his place of business.

Subject Pinedo stated he did not make any money off of the vests he sold to deputy personnel. He added he never made a profit from the sales of the vests.

Subject Pinedo said he did not keep track of how much each deputy paid for each vest.

Subject Pinedo explained he bought all ten vests from [redacted]; however, all the other police items were purchased mainly from Long Beach Uniform store through an individual named, [redacted]. He stated [redacted] told him he would take care of him and to bring him more business. Subject Pinedo described [redacted] as a male white, about six feet tall, 160-180 pounds, late 60's, with white hair. He did not believe John was at the store on September 22, 2010. He state he has known [redacted] since 2006.

Subject Pinedo stated he knew Deputies [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], but could not recall any of the police items he purchased for and/or sold them.

Subject Pinedo stated he would meet [redacted] between two and three o'clock while he was on his way home from work.

Subject Pinedo said when he confirmed that the vests were not stolen and/or defective from the manufacturer; he did not know if they were counterfeit items or had any way of confirming the vests were actually safety equipment.

Subject Pinedo stated he did not discuss any liability and/or warranty issues with the ABA Safariland customer service person whenever he would call for verification.

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

Subject Pinedo explained he did not call ABA Safariland for every vest he purchased from [redacted]. He could not recall the name of the customer service person representative or if it was a male or female he had spoken to.

Subject Pinedo stated he would take IAB investigators to the location where he would meet [redacted].

> **IAB Note:** On 5/2/2013, Subject Pinedo and ALADS Attorney Estrada, along with IAB investigators met at 14488 Garfield Avenue, Paramount (dba "Sports World, Inc."). Subject Pinedo pointed out the location and stated the parking lot in front of the location was where he would meet [redacted].
>
> For further details, refer to the second interview with Subject Pinedo on 5/2/2013.

Subject Pinedo said the last time he met [redacted] was approximately three and a half years ago. He does not know if [redacted] still works at the industrial complex on Garfield Avenue. He added he has not been back to the location.

Subject Pinedo stated he would try and locate [redacted] contact number. He added [redacted] number was inside his locker.

Subject Pinedo stated he never saw [redacted] walking out of any business(s) at the location. He said [redacted] had the vests inside his car and would wait for him in the parking lot. He stated he would pay [redacted] in cash for the vests at the parking lot.

Subject Pinedo said [redacted] would indicate he worked at the location by stating he worked somewhere in one of the commercial buildings.

Subject Pinedo said [redacted] drove a 2000, black Honda Civic, four-door.

Subject Pinedo stated there was nobody else who could verify the existence of [redacted].

Subject Pinedo stated all of his telephonic contacts with [redacted] occurred over the county hard line. He was not sure if he ever contacted [redacted] on his cell phone; however, he would try and find [redacted] contact number. He added he never gave [redacted] his contact information because he did not him calling him with any problems.

Subject Pinedo said he took the plea bargain on advice between his private attorney and union representative. He stated it was in his best interest to take the deal. He added if he went to trial it would cost him a minimum of fifteen thousand dollars for two weeks, then a thousand dollars every day thereafter.

Subject Pinedo stated that for less money and with the same outcome, he made the decision to take the plea bargain. He added he was not being paid by the department at the time and needed to feed his family.

Subject Pinedo said he did not buy any ballistic vets from Long Beach Uniform store or Uniform Specialists from Vista.

Subject Pinedo stated he did not steal any police equipment.

Subject Pinedo said he did not believe the vests purchased from [redacted] were stolen property.

Subject Pinedo stated he bought all the vests from [redacted].

Subject state he never purchased any vests from any of the Galls uniform stores.

> **<u>IAB Note:</u>** For further details, refer to an enclosed copy of Pinedo's verbatim transcripts.

On May 2, 2013, Subject Pinedo was interviewed at approximately 1412 hours, at [redacted] Present at the location were ALADS Labor Representative Alfonso Estrada and Lieutenant Schuerger. The interview was digitally recorded and a copy of the transcribed interview is provided. The following is a summary of the interview.

Subject Pinedo explained he met [redacted] in the parking lot of the location facing west on the south side at about the first four or six parking stalls. He added he would meet [redacted] at between 2:30 to 3 o'clock in the afternoon. He stated there were no set days of the week when he would meet with [redacted]. Subject Pinedo said he met [redacted] about ten times at the same location every time they met.

Subject Pinedo describes [redacted] as a male Hispanic, about 5'8" tall, light skinned with a short military style haircut. He said [redacted] was clean shaven and a distinguishing feature was that his ears popped out.

Subject Pinedo stated [redacted] drove a faded black, four-door, Honda Civic. He said he never got the plates off the car.

Subject Pinedo said he would call [redacted] and arrange for a date/time to meet for the purchase of ballistic vests. He added most of the time, [redacted] would be waiting for him at the parking lot. On a couple occasions, he saw [redacted] walk toward him from the east side of the commercial business location.

Subject Pinedo stated [redacted] would retrieve a vest from the trunk of his vehicle every time he bought a vest from him.

Subject Pinedo said [redacted] pointed toward the buildings to the east whenever he asked him where he worked at. He stated he never saw [redacted] walk out of any of the commercial business(s).

Subject Pinedo recalled selling vests to deputy personnel over an extended period of time, however, could not recall the dates/times.

Subject Pinedo concluded the interview by stating the following on Page 5 of his transcripts:

Quichocho: Alright, so I mean I'm just trying to understand. Here's a concern. You've been a deputy sheriff for four years, and had you know, a certain amount of training. I mean you meet this guy here in the parking lot, all by yourself; he's all by himself for sales of ballistic vests that are straight out of the trunk of his car. I mean what was going through your mind? What was your thought process? I mean to me, I've worked [redacted]; I've worked [redacted] and for me seeing this, I'm thinking it's a dope deal going on; Is there something you know, wrong with this.

Pinedo: Right, my first contact I had with him was, "Hey dude, are these things stolen? Is there anything wrong with them? Because I am a deputy and I will find out, and if they are, let me know now and we'll part company." He said, "No, absolutely not." Like I mentioned to you before, I verified before I purchased anything, from the company directly.

They told me the same thing, they are not in fact stolen, not defective.

Quichocho: I mean during the interview last week, you said you only did that half the time.

Pinedo: Correct.

Quichocho: So I mean, so you didn't do it for every single time you met this guy.

Pinedo: That's correct, that's correct.

<u>IAB Note:</u> For further details, refer to an enclosed copy of Pinedo's verbatim transcripts.

<u>IAB Note:</u> A check of the commercial business location for police equipment stores met with negative results.

Subject Pinedo could not provide any other contact information regarding [redacted] at the conclusion of the administrative investigation.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

Addendum

CASE NUMBER: **IV2275226**

SUBJECT: **Pinedo, Mario, Deputy Sheriff, Employee #[redacted]**

STATION/UNIT /BUREAU: **Men's Central Jail**

DATE/TIME/DAY: **January 3, 2007, to September 22, 2010**

LOCATION: **2789 Long Beach Blvd., Long Beach, CA 90806 (dba "Long Beach Uniform – Galls")**

The administrative case concerning Subject Mario Pinedo, Employee #[redacted] was submitted to Men's Central Jail, Captain Ralph G. Ornelas, Employee #[redacted], on May 16, 2013, for review.

On May 28, 2013, upon consideration of the facts developed in the investigation, Acting Chief David L. Fender, Employee #[redacted], determined that Subject Pinedo shall be discharged for the reasons set forth in the case disposition. Case Review was conducted by a Commander's Panel on this same date.

On June 17, 2013, a Skelly Hearing took place regarding the disposition of the case.

On June 25, 2013, a request was initiated by Commander Stephen B. Johnson, Employee #[redacted], regarding follow-up contact with Witness [redacted] based on information received during the Skelly Hearing.

On August 7, 2013, Internal Investigations Division Sergeant Frank Quichocho, Employee #[redacted], and Lieutenant Reinhardt J. Schuerger, Employee #[redacted], drove to the residence of Witness [redacted] to conduct a follow-up interview. Upon arrival, we were advised by a relative that [redacted] was at work. A business card was left at the residence for [redacted]

At approximately 1616 hours, [redacted] called Internal Investigations Division and spoke to Sergeant Quichocho concerning the allegations against Subject Pinedo.

[redacted] stated the incident occurred three years ago and she could not be of any help. She said she does not recall a lot of the specific facts since several incidents (thefts) occurred over a period of time. [redacted] was cooperative; however, she stated she just could not recall a lot of what happened and did not want to confuse matters. She ended the conversation by stating she was not comfortable with providing any further information. The conversation was then ended.



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

May 29, 2013

Deputy Mario Pinedo #[redacted]

Dear Deputy Pinedo:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business June 18, 2013.

An investigation under IAB File Number IV2275226, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders [Burglary (shoplifting) 459 P.C., and/or Grand Theft 487 P.C., and/or Receiving Stolen Property 496 P.C., and/or Theft of Lost Property 485 P.C.]; on or about, May 23, 2010 to May 29, 2010, and through September 22, 2010, you willfully entered into and removed property from Galls Uniform Store(s), City of Long Beach, and City of Orange, without paying for the items in violation of state law; and/or caused undue embarrassment to, and/or damaged the reputation of the Department; and/or brought discredit to yourself and/or the Department, as evidenced by, but not limited to:

    a. being observed in Galls Uniform Store, Long Beach, on September 22, 2010, by store personnel, removing a holster from its packaging and returning the empty packaging to the display shelf, and being observed by store personnel and Sergeant Eric Gonzalez concealing the holster underneath a uniform shirt and

exiting the store without paying for the holster, and/or;

b. stating to the Galls Uniform Store, Long Beach, store [redacted] Mr. [redacted] on September 22, 2010, that the holster was previously purchased by a friend and was not store property as you continued to leave the store without paying for the holster, and/or;

c. being observed by store personnel in Galls Uniform Store, Long Beach, on or about May 23, 2010 through May 29, 2010, enter the store wearing a Department uniform and obtain a "Surelight" X300 gun light, and exit the store without paying for the item, and/or;

d. being observed by store personnel in Galls Uniform Store, Long Beach, on or about May, 2010, through June, 2010, purchase various items at the store and then remove a gun light rail attachment from the store display and place it in the bag with the previously paid for items, and then exit the store without paying for the gun light rail, and /or;

e. being observed by store personnel in Galls Uniform Store, Long Beach, on or about June, 2010, through August 2010, enter the store and obtain a "Gate Keeper" microphone lanyard and use a baby stroller to conceal the item as you exited the store without paying for the item, and/or;

f. being observed by store personnel in Galls Uniform Store, Long Beach, on or about July 14, 2010, concealing a ballistic vest between uniform shirts you purchased and exit the store without paying for the vest, and/or;

g. being named in a Long Beach Police Department investigation (report #10-67943) regarding Grand Theft, 487a P.C. and Receiving Stolen Property, 496a P.C., and/or;

h. pleading Nolo Contendere in Long Beach Superior Court Department 31(Case #BA387787), on June 4, 2012, to a charge of Theft of Lost Property, 485 P.C., after fulfilling the terms of a plea agreement which required you to pay restitution in the amount of

$10,600 to Galls – LLC, and perform 200 hours of community service, which resulted in the dismissal of all criminal counts in furtherance of justice per 1385 P.C., and/or;

i. being identified by Los Angeles County Sheriff's Department personnel as the supplier of discounted police equipment such as ten (10) ballistic vest which had serial numbers that were traced to Galls - Uniform Stores (Cities of Long Beach and Orange) inventories and listed as unsold, holster(s), gun light(s), gun rail(s), Sam Browne belt(s), belt keeper(s), asp baton(s), Streamlight flashlight(s), microphone radio lanyards, and/or;

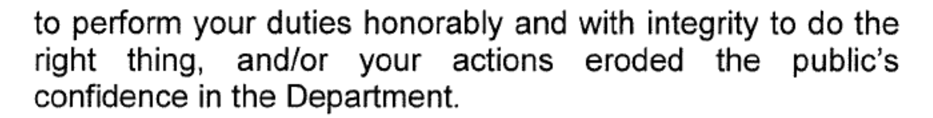
j. stating to the Long Beach Police Department that you purchased the ballistic vest from [redacted] and/or;

k. stating you purchased what you thought was an excess military vest from [redacted] for a couple hundred dollars because the same vest would be close to a thousand dollars, and or words to that effect, and/or;

l. stating you purchased the ballistic vest from [redacted] during a Department internal interview, and/or;

m. admitting to contacting Safariland Manufacturing to determine if the ballistic vest you purchased was stolen.

2. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct, on or about May 23, 2010 to May 29, 2010, through September 22, 2010, you failed to conform to the work standards established for your position when you sold police equipment and paraphernalia while on-duty at the Men's Central Jail locker room and parking lot structure; and/or supplied deputy personnel with police equipment and paraphernalia which you knew or should have known was not legally obtained from its rightful owner; and/or entered the Galls Uniform Store, Long Beach location, on or about July 14, 2010, and concealed a ballistic vest between uniform shirts you purchased and exited the store without paying for the vest. Your conduct did not conform to the Core Values of the Department as you failed



to perform your duties honorably and with integrity to do the right thing, and/or your actions eroded the public's confidence in the Department.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.85 Cooperation During Criminal Investigation, on or about October 12, 2010, you failed to make full, complete and/or truthful statements during a criminal investigation conducted by Long Beach Police Department personnel, as evidenced by, but not limited to:

   a. stating you purchased the gun holster you obtained from Gall's Uniform Store on September 22, 2010, and/or;

   b. stating you never took a gun light from the uniform store, and/or;

   c. stating you had no idea what a microphone lanyard was, and/or words to that effect, and/or;

   d. stating you purchased a ballistic vest from [redacted] and/or;

   e. stating you purchased what you thought was an excess military vest from [redacted] for a couple hundred dollars because the same vest would be close to a thousand dollars, and or words to that effect, and/or;

4. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about April 24, 2013, you failed to make full, complete and/or truthful statements during an internal investigation, as evidenced by, but not limited to:

   a. stating you purchased the gun holster you obtained from Gall's Uniform Store on September 22, 2010, and/or;

   b. stating you did not walk out of the uniform store on or about May 2010 with a "Surefire" X300 gun light, and/or words to that effect, and/or;

   c. stating you did not steal a ballistic vest from the

uniform store on July 14, 2010, and/or words to that effect, and/or;

d. stating you purchased the ballistic vests from [redacted] and/or words to that effect, and/or;

e. stating you never told Long Beach Police Department detectives you purchased a vest or any police items from [redacted] and/or words to that effect, and/or;

f. stating that you did not steal any equipment.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Acting Chief David Fender, on June 17, 2013, at 1500 hours, in his office, which is located at 450 Bauchet Street, Room E-835, Los Angeles, California, 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to June 17, 2013, for your oral response, please call Acting Chief Fender's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Acting Chief Fender's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Acting Chief Fender's office by no later than June 18, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:CMJ:cj

c: Advocacy Unit
Employee Relations Unit
Acting Chief David Fender, Custody Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #IV2275226)



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS

JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

June 4, 2012

Mr[redacted]Vice President
Galls LLC
1340 Russell Cave Road
Lexington, Kentucky 40505

RE: People v. Mario Pinedo, case number BA387787

Dear Mr.[redacted]:

The purpose of this letter is to document Galls LLC receipt of restitution in the amount of $10,600 (that is, two checks attached hereto) that was collected from the aforementioned defendant, Mario Pinedo. We were informed through Galls LLC counsel, Mr. Keith Watts (of Ogletree, Deakins, Nash, Smoak and Stewart), that Galls LLC was satisfied with the restitution amount of $10,600.

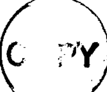
Should you have questions relating to the restitution please contact me directly at (213) 974-3888.

Very truly,
STEVE COOLEY
District Attorney for
Los Angeles County

By: *Alfred A. Coletta*
Alfred A. Coletta
Deputy District Attorney

C: Keith Watts

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us





CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS: DENNIS F. HERNANDEZ • NAOMI NIGHTINGALE • STEVEN AFRIAT • JOHN DONNER • Z. GREG KAHWAJIAN
LAWRENCE D. CROCKER, EXECUTIVE DIRECTOR • STEVE CHENG, HEAD CIVIL SERVICE COMMISSION

June 22, 2016

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **MARIO PINEDO** for a hearing on his **suspension** not to exceed thirty (30) days following judgment of a criminal matter, effective September 15, 2011, from the position of Deputy Sheriff, Sheriff's Department, and his **discharge**, effective September 11, 2013, from the position of Deputy Sheriff, Sheriff's Department,* **Case No.13-437**.

The Civil Service Commission, at its meeting held on June 15, 2016 approved findings in the above-entitled case. The Petitioner's and Department's objections were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

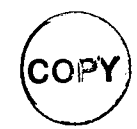
Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Mario Pinedo
Mitchell Kander
Alex Wong
John Harris

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534



BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ***suspension*** *not to exceed thirty (30) days following judgment of a criminal matter, effective September 15, 2011, from the position of Deputy Sheriff, and his discharge, effective September 11, 2013, from the position of Deputy Sheriff, Sheriff's Department, of*

MARIO PINEDO
(Case No. 13-437)

ORDER OF THE CIVIL SERVICE COMMISSION

On June 15, 2016, the Civil Service Commission of the County of Los Angeles overruled the Petitioner's and Department's objections. The Commission adopted as its final decision, the findings and recommendation of the Hearing Officer, John Harris, to sustain the Department.

Dated this 22nd day of June, 2016.

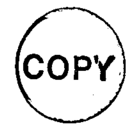
Z. GREG KAHWAJIAN, President

DENNIS F. HERNANDEZ, Member

NAOMI NIGHTINGALE, Member

STEVEN AFRIAT, Member

JOHN DONNER, Member



LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

In the Matter of the Petition of	)	**Case No. 13-437**
MARIO PINEDO Appellant	)	
and	)	HEARING OFFICER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED DECISION
LOS ANGELES COUNTY SHERIFF'S OFFICE	)	
Respondent	)	

APPEARANCES

For the Appellant: Mitchell S. Kander Esq.
Green & Shinee
16055 Ventura Blvd, Suite 1000
Encino, CA 91436

For the Respondent: Alex Wong Esq.
Liebert Cassidy Whitmore
6033 West Century Blvd., 5th Floor
Los Angeles, CA 90045

RECEIVED
COUNTY OF L.A.
2015 DEC 23 PM 12:31
CIVIL SERVICE
COMMISSION

Hearing Officer: John D. Harris

Hearing Dates: February 26, 2015
July 10, 2015
August 4, 2015
August 7, 2015
September 25, 2015

ISSUES

On October 30, 2013, the Commission defined the issues in this matter as:

1) Is there sufficient nexus between the criminal charges filed against appellant and the duties of appellant's position to support imposition of the non-disciplinary suspension

of appellant, as set forth by the Department in its letter dated September 16, 2011?

2) Are the allegations contained in the department's letter of September 12, 2013 true?

3) If any or all are true, is the discipline appropriate?

DEPARTMENT'S WITNESSES

1. Lt. Frank Quichocho, L. A. County Sheriff's Office

2. Sgt. Michael Pennino, Long Beach Police Department

3. Detective [redacted], Long Beach Police Department

4. [redacted], Galls Uniform Co. [redacted]

5. Deputy [redacted], L. A. County Sheriff's Office

6. Deputy [redacted] L. A. County Sheriff's Office

7. Deputy [redacted] L. A. County Sheriff's Office

8. Deputy [redacted] L. A. County Sheriff's Office

9. Deputy [redacted], L. A. County Sheriff's Office

10. Deputy [redacted] L. A. County Sheriff's Office

11. Chief [redacted] L. A. County Sheriff's Office

APPELLANT'S WITNESSES

1. Deputy [redacted] L. A. County Sheriff's Office

2. Deputy [redacted] L. A. County Sheriff's Office

3. Deputy [redacted] L. A. County Sheriff's Office

4. Sgt. [redacted] L. A. County Sheriff's Office

5. Appellant Deputy Mario Pinedo, L. A. County Sheriff's Office

EXHIBITS

1. Notice of Discharge, dated 9-12-2012

2. Notice of Suspension, dated 9-16-2011

3. Felony Complaint, dated 8-23-2011

4. Disciplinary Recommendation, dated 5-28-2013

5. Investigative Summary

7. Long Beach Police Report, dated 10-6-2010

8. "Six Pack" Photo Lineup, dated 10-5-2010

9. Long Beach Police Supplemental Report, dated 10-14-2010

10. Long Beach Police Supplemental Report, dated 10-19-2010

11. Long Beach Police Supplemental Report, dated 10-19-2010

13. Long Beach Police Supplemental Report. Dated 10-21-2010

15. Long Beach Police Supplemental Report, dated 11-23-2010

17. Long Beach Police Supplemental Report, dated 1-5-2011

18. Long Beach Police Supplemental Report, dated 6-1-2011

22. Vest Matrix

23. L. A. County Sheriff's Department Incident Report, dated 9-30-2010

25. Transcript of Mario Pinedo Interview, dated 4-24-2013

26. Transcript of Mario Pinedo Interview, dated 5-2-2013

27. Transcript Excerpts of [redacted] Interview, dated 4-18-2013

28. Transcript Excerpts of [redacted] Interview, dated 4-18-2013

29. Transcript Excerpts of [redacted] Interview, dated 4-18-2013

30. Transcript Excerpts of [redacted] Interview, dated 4-18-2013

31. Transcript Excerpts of [redacted] Interview, dated 4-18-2013

34. Transcript Excerpts of [redacted] Interview. Dated 4-19-2013

35. Transcript Excerpts of [redacted] Interview, dated 4-18-2013

36. Transcript Excerpts of [redacted] Interview, dated 4-18-2013

37. Police Report of Interview with [redacted]

INTRODUCTION

Following a Letter of Intention on May 29, 2013, the Department notified the Appellant in a Notice of Discharge, dated September 12, 2013, that he was being discharged from his position of Deputy Sheriff, effective the close of business on September 11, 2013.

The Department asserted that the Appellant violated sections of the Manual of Policy and Procedures by: 1) entering and removing property from Galls Uniform Store in the City of Long Beach and the City of Orange without paying for the items; 2) selling police equipment and paraphernalia while on-duty, and supplying deputy personnel with police equipment he knew or should have known was not rightfully obtained from its rightful owner;
3) failing to make a full, complete, and/or truthful statements during a criminal investigation conducted by the Long Beach Police Department; 4) failing to make a full, complete and/or truthful statements during an internal investigation by the Los Angeles County Sheriff's Office.

The Appellant denied each and every allegation in the Letter of Discharge, and alleged that the penalty was disproportionately harsh and excessive.

EVIDENCE

1. Lt. Frank Quichocho, Los Angeles County Sheriff's Office

He has been with the Department for [redacted] years, and has been assigned to the Internal Affairs Division for the last [redacted]

He received a criminal case from the Long Beach Police Department regarding the theft of police equipment, including vests, flashlights, holsters, and lanyards from Galls Equipment Store in Long Beach. The suspect, Los Angeles County Deputy Sheriff Mario Pineda, had been charged with seven counts of felony grand theft and receiving stolen property. He had pled nolo contendre to one misdemeanor, and was sentenced to make restitution of $10,600 and perform 200 hours of community service. All felony charges were dismissed.

He interviewed 12-15 deputy sheriffs who had purchased police equipment from Deputy Pinedo. He also interviewed Appellant on April 24, 2013, who stated he had obtained the items from a man named "[redacted]" in Long Beach, and from "[redacted]" in Carlsbad and [redacted]. He also said that he purchased 10 vests from a man named "[redacted]" who worked at a shipping/receiving company, and who got the vests at discounted prices because they were slightly damaged or imperfect. He never gave "[redacted]" last name or other contact information. He said he wrote information about [redacted] on a post-it note and left it in his personal locker at the men's jail.

During a second interview on May 2, 2013, Appellant was given the opportunity to locate "[redacted]", and they drove to a parking lot in Paramount, where he said he and [redacted] had

conducted transactions from the trunk of [redacted] car. He paid $600 for each vest, which were worth from $800 to $1500. He denied stealing any property.

He was unable to find "[redacted]" to obtain an interiew.

He interviewed Deputy [redacted], who stated he purchased a ballistic body armor vest from Appellant, who said he obtained it from a friend who worked at a shipping company.

He interviewed Deputy [redacted], who stated he purchased a vest and police belt from Appellant.

He interviewed Deputy [redacted] who stated he purchased a vest and a flashlight from Appellant.

He interviewed Deputy [redacted], who stated he purchased a bulled proof vest from Appellant, who said he got it from a friend who owned a shop in Carlsbad.

He interviewed Deputy [redacted], who stated he purchased a bullet proof vest and a flashlight from Appellant, who said he got it from a buddy who owned a shop in Oceanside.

He interviewed [redacted] who stated he purchased a bullet proof vest and a gun flashlight from Appellant, who got it from a friend in Oceanside.

He interviewed Deputy [redacted] who said he bought a vest and a holster from Appellant, who said he obtained them from a friend who owned a police discount store near [redacted].

He interviewed Deputy [redacted], who stated he bought a vest, flashlight, and a gun light from Appellant, who said he obtained them from a store in San Diego.

Appellant had told Long Beach detectives that he obtained his personal vest from a friend [redacted], a [redacted] at [redacted] Appellant denied that he told Long Beach officers that, and stated he never purchased items from Mr. [redacted]

He determined that the Pasadena manufacturer of the ballistic vests had shipped five vests to the Galls store in Long Beach and five vests to the store in the City of Orange. He spoke to the manager of each of the stores, who confirmed that the vests had been received, but were not in the store's inventory, and could not confirm that the vests had been sold or stolen.

He had no personal knowledge of the facts of the case and the information he reported was based on interviews and documents. He didn't determine discipline or if Appellant violated any departmental policies.

2. Lt. Michael Pennino, Long Beach Police Department

He has been a lieutenant in the Long Beach Police Department for four years, and formerly was a sergeant in the burglary detail, investigating cases involving high profile public servants and law enforcement officers. He was assigned the case where Appellant was listed as a suspect in the theft of ballistic vests, holsters, and a gun light from Galls Uniform Supply store in Long Beach. Detective [redacted] worked with him and took over after his promotion to lieutenant.

He interviewed [redacted] the store manager at Galls in Long Beach, [redacted], the Galls [redacted], the [redacted] and [redacted], the cashier. Three of these witnesses were shown a 6-pack photo lineup, and all identified Appellant as a suspect in the theft incident at Galls store.

He sent a detective to interview [redacted], who was a marine at Camp Pendleton, and who stated that he did not sell any ballistic vests to Appellant.

Other deputies turned in vests, holsters, flashlights, belts, gun lights which they had purchased from Appellant. He contacted the manufacturer of the vests, who stated they were shipped to Galls stores and were received by Galls, but Galls had no record that they were purchased or left the store. Galls never reported the vests were stolen.

3. Detective [redacted], Long Beach Police Department Detective

He has been with the Long Beach Police Department for 13 years, and has worked in the burglary detail for five years. He was one of the investigators in the criminal case against Appellant for theft of police related property from Galls store in Long Beach.

On October 12, 2010, he assisted in the execution of a search warrant of Appellant's locker at the Men's Central Jail, and of Appellant's Nissan vehicle in the parking lot, which produced one ballistic vest and one lanyard microphone. On October 19, 2010, he conducted a second search of Appellant' locker to look for any note pads or business cards with the name of "[redacted]"

He interviewed the deputy sheriffs who turned in the police items they had purchased from Appellant. He took the serial numbers from those vests and provided them to the manufacturer to see when they had been shipped. The store had no record to show the vests were actually sold.

He filed grand theft, receiving stolen property, and 5 counts of commercial burglary against appellant on August 23, 2011, signed the felony complaint, and testified at Appellant's preliminary hearing.

There was no video evidence to show that Appellant went into Galls store and removed the vests. Galls never reported the vests were missing or stolen. They found empty boxes. Appellant cooperated with the investigation and denied stealing anything.

4.[redacted] Galls Uniform [redacted]

He has worked at Galls Uniform Store in Long Beach for 6 ½ years (from 2008-2012.) He has known Appellant as a customer at the store who visited at random times. On September 22, 2010, he was notified by his [redacted] that Appellant was looking at holsters, emptied a holster ziplock bag, removed a holster from the package, and placed the new holster on the counter. Appellant said it was his holster and that he had brought it into the store. On July 14, 2010, [redacted] observed Appellant remove and conceal a ballistic vest and walk out of the store. On another occasion, Ms. [redacted] observed Appellant remove a microphone lanyard and conceal it in a baby stroller (and leave the store.)

He didn't see Appellant steal anything. He saw Appellant walk out of the store with a holster and did not attempt to conceal it. It was common for customers to bring a holster into the store. He never saw the gun light incident, or the microphone lanyard incident. He never called the Long Beach Police Department to report any thefts, because he didn't want to wreck the reputation the store had with the sheriff's department for permitting shoplifting, or to damage their contractual relationship (for selling law enforcement supplies).

5. Deputy [redacted], Los Angeles County Sheriff's Office

He has been with the Department for [redacted] and has worked with Appellant at Men's Central Jail. He purchased a ballistic vest and flashlight from Appellant and paid $400-$500 for the vest. Appellant told him he owned the vest and flashlight.

6. Deputy [redacted] Los Angeles County Sheriff's Office

He has been with the Department for [redacted] and has worked with Appellant at the Men's Central Jail. He purchased a bullet proof vest from Appellant for $400. Appellant told him he got it from one of his best friends, who worked at a shipping company. It came from a damaged pallet. The sale took place at the parking structure at the jail. He thought it was a legitimate transaction.

7. Deputy [redacted] Los Angeles County Sheriff's Office

He has been with the Department for [redacted], and has known Appellant as a co-worker at the central jail. He purchased a vest and a flashlight from Appellant for $600-$650. Appellant told him he got it from a friend who sold police equipment. He thought that it was a legitimate purchase.

8. Deputy [redacted] Los Angeles County Sheriff's Office

He has been in the Department for [redacted] and knows Appellant when they worked together at the jail. He purchased a vest and a Sam Brown police belt from Appellant, who told him he got the vest from a friend in San Diego.

9. Deputy [redacted] Los Angeles County Sheriff's Office

He has been in the Department for [redacted] and has worked with Appellant at central jail. He purchased a vest and flashlight from appellant, who said he obtained the vest from a friend who had a store in San Diego. He thought this was a legitimate transaction.

10. Deputy [redacted] Los Angeles County Sheriff's Office

He has been in the Department for [redacted] and has worked together with Appellant at the jail. He purchased a bullet proof vest and a gun holster from appellant, who told him he had a friend who owned/worked at a uniform/equipment shop in the San Diego area.

11. Chief David L. Fender, Los Angeles County Sheriff's Office

He has been with the Department for [redacted], and has served as Chief of the Custody Division Special Services for [redacted] He oversees 3700 employees and is the decision maker in discipline cases.

He reviewed Appellant's case file, witness statements, reports, and tapes of interviews. There was a Case Review conducted with a panel of officers, prior to a Letter of Intent being sent to Appellant. He conducted the Skelly hearing to permit Appellant to present additional evidence. He then prepared the reasons for Appellant's discharge and sent the Letter of Imposition to Appellant.

He decided that Appellant had committed theft on numerous occasions from Galls store. The employees of Galls knew and recognized him. Sgt Gonzales of the Long Beach police department was in the store and observed Appellant remove a holster from its packaging and left the packaging on the shelf. On other occasions, Appellant removed a gun light, a lanyard with a microphone strap and place it on his children's stroller, and removed a ballistic vest from its box and concealed it among uniforms that he was purchasing. Appellant was named in a Long Beach Police Department theft report. Appellant pled nolo to the reduced misdemeanor charge of theft of lost property, The conviction ruined Appellant's credibility and also the Department's credibility. As a law enforcement officer, Appellant went into a store and used his power to commit thefts. He violated the laws that he was entrusted to enforce. He falsely stated he bought vests from [redacted] He falsely stated he bought vests from someone named [redacted], who sold them in a parking lot without a receipt, from out of the trunk of his car. Fifteen deputies came forward to turn in the equipment that had purchased from Appellant. He conducted business (sale of equipment) while on duty at the jail. He violated professional standards and professional conduct. He failed to make a complete

and truthful statement during the Long Beach criminal investigation, by his statement that he never took a gun from the store, and that he purchased a vest from [redacted].

He failed to cooperate and made false statements during a department internal investigation. He eroded public trust by lying. The Department can't trust Appellant any longer because he broke his oath to observe and follow the law. Chief Fender initially imposed the suspension of Appellant's pay, when the 7 felony charges were filed against him.

[redacted] At the Skelly hearing, he denied stealing anything. He pleaded nolo because of financial considerations, because of the danger of losing his house, and because he already had been suspended for several months without pay.

APPELLANT'S EVIDENCE

1. Deputy [redacted], Los Angeles County Deputy Sheriff's Office

He has been with the Department for [redacted] and has worked with Appellant at the jail for 3 years. Appellant is a hard working, humble, and very honest. He is always professional in dealing with inmates and other deputies.

2. Deputy [redacted], Los Angeles County Sheriff's Office

He has been with the Department for [redacted] including [redacted] at the central jail, where he was Appellant's mentor. Appellant was a hard worker, well motivated, was professional, followed instructions, was willing to learn, and had integrity.

3. Deputy [redacted], Los Angeles County Sheriff's Office

He has been in the Department for [redacted] and worked at the county jail, where Appellant was his training officer. He worked with Appellant for [redacted], and thought he was

a great leader, acted very professionally, was very honest and was a loyal partner. There was no question as to his integrity. He knew Appellant sold equipment to fellow deputies, but he never purchased any police equipment from him.

4. Sgt. [redacted], Los Angeles County Sheriff's Office

He has been in the Department for [redacted] and supervised Appellant for [redacted], and he would rate him as outstanding in his work effort, initiative, and adherence to guidelines. He was an asset to the department and he could rely on him.

He was not aware of criminal charges against Appellant, but that fact wouldn't cause him to change his opinion of Appellant.

5. Appellant Deputy Mario Pinedo, Los Angeles County Sheriff's Office

He was in the [redacted] and [redacted]. He then joined the L. A. County Sheriff's Office in 2008, at the age of 30, and has been assigned to the men's central jail during the last seven years.

He has regularly made purchases at Galls Uniform Store in Long Beach. As a regular customer, he received discounts from the [redacted]. He has never been accused by Mr. [redacted] of stealing anything from Galls Uniform Store.

On September 22, 2010, he went to Galls Long Beach store to pick up a tailored shirt, and an adapter for his holster. He carried his own holster, which was in fair condition, in his left hand. A store employee, Ms. [redacted], asked him if he was going to pay for the holster and he said "this is mine." Mr. [redacted] asked him if he should order an adapter for him, and never accused him of stealing the holster. He was never shown the packaging that the holster came in. He also stated he never stole a Surelite gun light or a microphone lanyard

plastic clip from Galls store in Long Beach. He never placed a ballistic bullet proof vest into his baby stroller when he later visited the store.

He stated he bought his ballistic vest from a man named [redacted] He had met a man named [redacted], who said he had a friend named [redacted] who worked at a shipping and receiving company, and who sold items at a reduced price, which were either damaged in transit, cut wrong, imperfect, sent back by the customer, or items that didn't fit properly. [redacted] wrote down [redacted] phone number on a yellow post-it note and gave it to him. Appellant called [redacted], who told him the items he was selling were not stolen. He met [redacted] outside a warehouse on Garfield Ave. in Paramount. He purchased his personal vest from [redacted] for approximately $400 and paid cash and was given no receipt. The vest was in good shape and would sell retail at Galls Store for between $600-$700.

He later sold police equipment to other deputies at the jail who were patrol ready. He would call [redacted] to order a vest, get the money from the purchasing deputy, and then pay [redacted] cash for the items. He sold ten vests to deputies at different prices, depending on the size of the vests, and made no profit from the sale of these items. The vests came in a large plastic bag inside a box, and appeared to be brand new. All items were paid for in cash. [redacted] never gave him a receipt. [redacted] never told him his last name. He was never concerned that the vests were stolen. He sold holsters, gun lights, gun rails, belts, flashlights, microphone lanyards and made no money from the sale of any of these items.

[redacted] was his supervisor when he was in the [redacted] He never bought any police items from Mr. [redacted] directly. He never told the Long Beach police that he had purchased any items from Mr. [redacted] All the vests he sold to deputies were obtained from [redacted]. The transactions with [redacted] never caused him to doubt the legitimacy of the

merchandise, because he had called the manufacturer of the vests to verify the items had not been stolen.

He told Deputy [redacted] that he got his vest from a friend in the Carlsbad area. He told Deputy [redacted] he got his vest from a friend in the Oceanside area. He told Deputy [redacted] he got that vest from a friend near Camp Pendelton. He told Deputy [redacted] he got that vest from a friend in San Diego. The vests he bought from [redacted] were not damaged or defective.

He stated that it would appear suspicious to buy items which were sold for cash from the trunk of a car. He also stated that buying items costing hundreds of dollars in cash for less than the fair market value would not be suspicious.

He cooperated with the Long Beach Police Department and made truthful statements to them. He made full and truthful statements to the L. A. Sheriff's internal affairs investigators. He accepted the plea deal because he was broke and close to losing his home. He had been suspended without pay for about 10 months before the criminal trial date. He couldn't afford to pay an attorney $15,000, plus $1000 a day to go to trial. He believed he was factually innocent of any crimes.

DEPARTMENT'S ARGUMENT

The Department proved that Appellant stole a holster from Galls Long Beach store, and had been previously observed stealing other items from the store. He was investigated by the Long Beach Police Department and charged with seven felony burglary counts. He pled nolo contendere to a reduced misdemeanor charge of Penal Code Section 485, and was ordered to pay $10,600 in restitution and perform 200 hours of community service. He sold ballistic vests to ten fellow deputy sheriffs, which he knew or reasonably should have known were

stolen. Appellant lied during the Long Beach criminal investigation and the Department's internal affairs investigation. His suspension and termination was warranted and not an abuse of discretion, and his termination was appropriate.

APPELLANT'S ARGUMENT

Appellant argued that the Department failed to establish by a preponderance of the evidence that Appellant stole items from Galls store, because no witness personally saw Appellant take any item out of the Galls store. Appellant denied he stole a holster and claimed he had brought his own holster into the store. Statements made by Galls Store [redacted] were uncorroborated hearsay. Testimony from Galls Store [redacted], who never reported the theft of any property to Long Beach police, was not credible. There was no store video camera evidence of any theft, or tape recorded statements or verbatim transcripts of Appellant's interviews with investigators. Character evidence established Appellant's character for honesty and integrity. Appellant did not violate the policies of the Sheriff's Department and should be reinstated as a Deputy Sheriff.

DISCUSSION

A law enforcement officer, who is responsible for enforcing the laws, and who is held to the highest standards of conduct, is expected by the public to abide by the law. Serious violations of the law, such as theft, burglary, or receiving stolen property, cannot be tolerated by the Sheriff's Derpartment. An officer's honesty and credibility is crucial to the performance of his duties. Dishonesty in matters of public trust is intolerable and inexcusable.

Appellant was an effective, hard working, and well regarded professional. His character witness testified to his honesty and integrity. However, they were not aware of the facts concerning Appellant's theft of merchandise from Galls Stores, his involvement in the acquisition and sale of stolen goods to his colleagues, and his false statements to Long Beach Police and departmental in internal affairs investigators.

Appellant was not a credible witness. Appellant's explanation about obtaining ballistic vests from "[redacted]" and the circumstances surrounding the sale from a person who gave no last name or address, sold police items for cash without providing any receipts from the trunk of his car in a parking lot, was not believable. According to the Long Beach police detectives, Appellant originally said he got his ballistic vest from [redacted] Later, he told Internal Affairs investigators he got his vest from [redacted] and never got anything directly from Mr. [redacted] Such inconsistencies did not give support to his believability.

The evidence indicated that Appellant was selling items during working hours at the Men's Central Jail in violation of Department rules. Appellant has admitted to such a violation, which in itself, would be a grounds for discipline. The more serious charges of repeated thefts of property from Galls Stores, resulting in the filing of seven felony counts, and his nolo contendere plea to a misdemeanor, and the overwhelming evidence of his improper conduct, combine to require that Appellant be discharged from serving as a Los Angeles County Deputy Sheriff.

FINDINGS OF FACT

1. Appellant joined the L. A. County Sheriff's Office as a Deputy Sheriff in 2006, after

[redacted]

2. Appellant was observed by store personnel at Galls Uniform Stores, Long Beach removing

a holster from its packaging, returning the empty package to the display shelf, and exiting the store without paying for the holster.

3. On several previous occasions, Appellant had been observed stealing various items from Galls Uniform Store in Long Beach. These items included a ballistic vest, a Surefire gun light, a gun light accessory, and a microphone lanyard.

4. The Galls store manager never reported any of Appellant's prior thefts to the Long Beach Police Department because he did not want to jeopardize the business relationship his store had with the police department in selling police equipment.

5. Appellant regularly sold police equipment to other Deputy Sheriffs at the Central Men's Jail while he was on duty at the Men's Central Jail. He supplied them with equipment that either he had stolen form Galls Uniform Store, or items that he knew or should have known had not been legally obtained.

6. The ballistic vests Appellant sold to deputies were traced to Galls Stores in Long Beach and Orange, where store records indicated the vests had been received from the manufacturer, but there were no records to indicate that they had ever been sold.

7. Appellant claimed he obtained the items from a person named "[redacted]" whose last name he did not know, but whose name and telephone number had been written on a post-it note which he kept in his department locker.

8. The post-it note was never located when investigators, pursuant to a search warrant, searched Appellant's locker at the Men's Central Jail.

9. All of the transactions with the man named "[redacted]" took place from the trunk of [redacted]s car, in the parking lot at the rear of a warehouse complex on Garfield Avenue in the City of Paramount. All of the sales were made for cash and no receipts were given.

9. Appellant was charged by the Los Angeles County District Attorney's Office with seven felony theft/burglary counts.

10. Appellant was suspended on August 23, 2011 as a result of a criminal investigation by the Long Beach Police Department and the filing of a seven count felony complaint by the District Attorney's Office, alleging grand theft of a ballistic vest, the personal property of Galls Uniform Store; receiving stolen property; and five counts of 2nd degree commercial burglary of Galls Long Beach ,which occurred on five different dates.

11. As part of a plea bargain, Appellant pled nolo contendere to a reduced misdemeanor charge of theft of lost property (Penal Code Sec. 485). He was required to pay $10,600 in restitution and perform 200 hours of community service.

12. Appellant was terminated for violation of the policies as set forth in the Department's Manual of Policy and Procedures, including General Behavior, Professional Conduct, Core Values. Obedience to Laws, Performance to Standards, Cooperation During Criminal Investigation, and Making False Statements During Departmental Investigations.

13. In statements to the Long Beach Police Department and the Sheriffs Internal Affairs investigators, Appellant made false, misleading, and inconsistent statements about how he acquired the items which he had been selling to other Sheriff's deputies.

14. Appellant's character witnesses, three Deputy Sheriffs and one Sergeant, testified to Appellant's honesty, integrity, dedication to duty, and professionalism, and said that they would have no issues working with him again.

CONCLUSIONS OF LAW

1. There was sufficient nexus between the criminal charges filed against Appellant and the duties of Appellant's position to support the Department's imposition of the non-disciplinary suspension of Appellant, as set forth by the Department in its Notice of Suspension letter dated September 16, 2011.

2. The Department proved by a preponderance of the evidence that Appellant stole a holster from Galls Uniform Store in Long Beach on September 22, 2010, and lied to store personnel about owning the holster.

3. The Department proved by a preponderance of the evidence that Appellant was criminally investigated by the Long Beach Police Department for grand theft and receiving stolen property, and pled nolo contendere to a reduced charge of Theft of Lost Property in violation of Penal Code Section 485.

4. The Department proved by a preponderance of the evidence that Appellant was identified by other Sheriffs Department personnel as the supplier of 10 ballistic vests which had serial numbers traced to Galls stores in Long Beach and Orange, but which were listed by those stores as unsold.

5. The Department proved by a preponderance of the evidence that Appellant was on duty when he sold police equipment to other deputy sheriff's personnel which he knew or should have known were stolen.

6. The Department proved by a preponderance of the evidence that Appellant failed to make a full, complete and truthful statements to Long Beach Police Department detectives during their criminal investigation.

7. The Department proved by a preponderance of the evidence that Appellant failed to make a full, complete, and truthful statement to the Department's internal affairs investigator.

RECOMMENDATION

It is respectfully recommended that the Suspension from the position of a Deputy Sheriff, effective September 15, 2011, following judgment in a criminal case, and his Discharge, effective September 11, 2013, from his position of Deputy Sheriff be Sustained.

Respectfully submitted.

Dated: December 20, 2015

John D. Harris

JOHN D. HARRIS
Hearing Officer

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169





LEROY D. BACA, SHERIFF

September 12, 2013

Deputy Mario Pinedo, [redacted]

Dear Deputy Pinedo:

On May 29, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2275226. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on September 11, 2013.

An investigation under File Number IAB 2275226, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders [Burglary (shoplifting) 459 P.C., and/or Grand Theft 487 P.C., and/or Receiving Stolen Property 496 P.C., and/or Theft of Lost Property 485 P.C.]; on or about, May 23, 2010 to May 29, 2010, and through September 22, 2010, you willfully entered into and removed property from Galls Uniform Store(s), City of Long Beach, and City of Orange, without paying for the items in violation of state law; and/or caused undue embarrassment to, and/or damaged the reputation of the Department; and/or brought discredit

to yourself and/or the Department, as evidenced by, but not limited to:

a. being observed in Galls Uniform Store, Long Beach, on September 22, 2010, by store personnel, removing a holster from its packaging and returning the empty packaging to the display shelf, and being observed by store personnel and Sergeant Eric Gonzalez concealing the holster underneath a uniform shirt and exiting the store without paying for the holster, and/or;

b. stating to the Galls Uniform Store, Long Beach, [redacted] on September 22, 2010, that the holster was previously purchased by a friend and was not store property as you continued to leave the store without paying for the holster, and/or;

c. being observed by store personnel in Galls Uniform Store, Long Beach, on or about May 23, 2010 through May 29, 2010, enter the store wearing a Department uniform and obtain a "Surelight" X300 gun light, and exit the store without paying for the item, and/or;

d. being observed by store personnel in Galls Uniform Store, Long Beach, on or about May, 2010, through June, 2010, purchase various items at the store and then remove a gun light rail attachment from the store display and place it in the bag with the previously paid for items, and then exit the store without paying for the gun light rail, and /or;

e. being observed by store personnel in Galls Uniform Store, Long Beach, on or about June, 2010, through August 2010, enter the store and obtain a "Gate Keeper" microphone lanyard and use a baby stroller to conceal the item as you exited the store without paying for the item, and/or;

f. being observed by store personnel in Galls Uniform Store, Long Beach, on or about July 14, 2010, concealing a ballistic vest between uniform shirts you purchased and exit the store without paying for the vest, and/or;

g. being named in a Long Beach Police Department investigation (report #10-67943) regarding Grand Theft,

487a P.C. and Receiving Stolen Property, 496a P.C., and/or;

h. pleading Nolo Contendere in Long Beach Superior Court Department 31(Case #BA387787), on June 4, 2012, to a charge of Theft of Lost Property, 485 P.C., after fulfilling the terms of a plea agreement which required you to pay restitution in the amount of $10,600 to Galls – LLC, and perform 200 hours of community service, which resulted in the dismissal of all criminal counts in furtherance of justice per 1385 P.C., and/or;

i. being identified by Los Angeles County Sheriff's Department personnel as the supplier of discounted police equipment such as ten (10) ballistic vest which had serial numbers that were traced to Galls - Uniform Stores (Cities of Long Beach and Orange) inventories and listed as unsold, holster(s), gun light(s), gun rail(s), Sam Browne belt(s), belt keeper(s), asp baton(s), Streamlight flashlight(s), microphone radio lanyards, and/or;

j. stating to the Long Beach Police Department that you purchased the ballistic vest from [redacted], and/or;

k. stating you purchased what you thought was an excess military vest from [redacted] for a couple hundred dollars because the same vest would be close to a thousand dollars, and or words to that effect, and/or;

l. stating you purchased the ballistic vest from [redacted] during a Department internal interview, and/or;

m. admitting to contacting Safariland Manufacturing to determine if the ballistic vest you purchased was stolen.

2. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct, on or about May 23, 2010 to May 29, 2010, through September 22, 2010, you failed to conform to the work standards established for your position when you sold police equipment and paraphernalia while on-duty at the Men's Central Jail locker room and parking lot structure; and/or supplied deputy personnel with police equipment and paraphernalia which you knew or should have known was not legally obtained from its rightful owner; and/or entered the Galls Uniform Store, Long Beach

location, on or about July 14, 2010, and concealed a ballistic vest between uniform shirts you purchased and exited the store without paying for the vest. Your conduct did not conform to the Core Values of the Department as you failed to perform your duties honorably and with integrity to do the right thing, and/or your actions eroded the public's confidence in the Department.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.85 Cooperation During Criminal Investigation, on or about October 12, 2010, you failed to make full, complete and/or truthful statements during a criminal investigation conducted by Long Beach Police Department personnel, as evidenced by, but not limited to:

    a. stating you purchased the gun holster you obtained from Gall's Uniform Store on September 22, 2010, and/or;

    b. stating you never took a gun light from the uniform store, and/or;

    c. stating you had no idea what a microphone lanyard was, and/or words to that effect, and/or;

    d. stating you purchased a ballistic vest from [redacted] and/or;

    e. stating you purchased what you thought was an excess military vest from [redacted] for a couple hundred dollars because the same vest would be close to a thousand dollars, and or words to that effect, and/or;

4. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about April 24, 2013, you failed to make full, complete and/or truthful statements during an internal investigation, as evidenced by, but not limited to:

    a. stating you purchased the gun holster you obtained from Gall's Uniform Store on September 22, 2010, and/or;

    b. stating you did not walk out of the uniform store on or about May 2010 with a "Surefire" X300 gun light, and/or words to that effect, and/or;

c. stating you did not steal a ballistic vest from the uniform store on July 14, 2010, and/or words to that effect, and/or;

d. stating you purchased the ballistic vests from [redacted], and/or words to that effect, and/or;

e. stating you never told Long Beach Police Department detectives you purchased a vest or any police items from [redacted] and/or words to that effect, and/or;

f. stating that you did not steal any equipment.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

David L Fender

DAVID L. FENDER, CHIEF
CUSTODY SERVICES DIVISION – SPECIALIZED PROGRAMS

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

DLF:AEA:jp

c: Advocacy Unit
Chief David L. Fender, Custody Services Division – Specialized Programs
Daniel J. Dyer, Captain, Men's Central Jail
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration
Doreen Garcia